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ABSTRACT

These 1976 symposium papers, presented by school administrators of the National Catholic Educational Association, concern unionism in Catholic schools. Some of the issues covered include theological perspectives of collective bargaining, pros and cons, religious and Catholic teacher unions, tenure problems, and effects on a community of faith. The appendix discusses the history of collective bargaining and the steps to unionizing as well as the social ethics of Catholic school teachers forming unions. (Author/LD)

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UNIONISM IN CATHOLIC SCHOOLS

A SYMPOSIUM

Mercy Generalate

West Bethesda, Maryland

October 3-5, 1976

THE NATIONAL CATHOLIC EDUCATIONAL ASSOCIATION

Washington, D.C.

EA 011 526

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INTRODUCTION

From October 3 to October 5, 1976 a symposium was held at the Mercy Generalate in Bethesda, Maryland featuring aspects of unionism in Catholic schools.

This booklet presents some of the theological, legal and organizational issues which were raised at this symposium and papers presented by some of the national experts in the field. It should be of help, both to administrators and teachers, in moments of concern and uncertainty about the impact of teacher organizations on Catholic schools considered in the context of the school as a community of faith.

The symposium was a moment of development for the American Catholic community. Situated in an atmosphere of reflection and deep concern, the participants grappled with the very sensitive and important issues involved.

Much remains to be done, and more publications will follow, but this one is a significant step in the presentation of a thoughtful generation of principles and alternatives in collective negotiations in Catholic schools.

Brother John D. Olsen, C.F.X.
Executive Director
Secondary School Department

Rev. Msgr. Francis X. Barrett
Executive Director
Department of Chief Administrators

February, 1977

TABLE OF CONTENTS

Theological Perspectives 1
Rev. Msgr. George G. Higgins

Reflections Upon the Pros and Cons of Collective Bargaining in Catholic Schools 11
Edward J. Burke

Toward Justice for All 17
Rev. John F. Meyers

Teacher Organizations in Catholic Schools 23
Rev. John L. Leibrecht

Religious and Catholic Teacher Unions 29
John J. Augenstein

Life Style and Tenure Problems 33
Bro. Medard Shea, C.F.X.

Life Styles in Unionized Catholic Schools 38
Bro. Matthew Burke, C.F.X.

Faith Community Effects 44
John T. Cicco

Collective Bargaining and the Community of Faith in Catholic Schools 49
Anthony M. Cresswell

Appendices

A Report on Unions and Catholic Schools 59
Edwin J. McDermott, S.J.

NEA-AFT Fact Sheet 65

NEA, AFT and AAUP Resources and Records--1976 67

NC Features for Release Week of November 1, 1976
The Yardstick 69
Msgr. George G. Higgins

UNIONISM IN CATHOLIC SCHOOLS
A SYMPOSIUM

October 3-5, 1976

Sunday, October 3, 1976

Theological Perspectives

Rev. Msgr. George G. Higgins
Rev. James Coridin
Reactors: Bro. Matthew Burke, C.F.X.
Rev. John Leibrecht

Monday, October 4, 1976

Legal Aspects

Edward Burke, Esq.
Eugene Krasicky, Esq.
Lawrence A. Poltrock, Esq.
Reactors: Mr. Bernard Helfrich
Bro. Medard Shea, C.F.X.

Sectional Workshops

Wage Scales and Contracts, Kevin McGill, Esq.
AFT-NEA Relationships, Mr. Michael Murray
Life Style and Tenure Problems, Bros. Matthew Burke, C.F.X. and Medard Shea, C.F.X.
Place of Religious, Mr. John Augenstein

Alternative Models

Rev. John Leibrecht
Rev. John Meyers

Tuesday, October 5, 1976

Faith Community Effects

Mr. John Cicco
Dr. Anthony Cresswell
Mr. Thomas Forkin
Reactors: Rev. Thomas Gallagher
Bro. James Kearney
Rev. Eugene Sullivan

THEOLOGICAL PERSPECTIVES

Rev. Msgr. George G. Higgins

The last seminar of this type that I attended was held in March 1968, under the auspices of the USCC Education Department. The NC News Service, in reporting on that seminar, said that Monsignor Edward Hughes, the then Superintendent of Catholic Schools in Philadelphia and currently Auxiliary Bishop of Philadelphia, was "in the position of an Old Testament prophet" who was fortunate enough to have lived to see his prophecies come true. The NC story was referring to the fact that, roughly a year before the USCC meeting, Hughes had begun telling his colleagues across the country what he had known all along; namely, that teachers unions are here to stay and that we had better start learning how to deal with them constructively. Hughes himself acknowledged at the USCC seminar that his prophecies had come true. "This is the first time I have seen a consensus on the scope and significance of this problem," he said, somewhat surprised, during one of the working sessions. And he was right. As a participant in the USCC meeting, I can clearly recall that, among the 70-odd delegates, there was no discernible dissent from Hughes' year-old prediction that unions are here to stay. Nor was there any significant opposition to the unions themselves. Some Superintendents wished that they would be a little less militant, but none wished that they would go away, or thought that they would.

This is not to say that the seminar was without its problems. The first was that large areas of the country--including one that is currently having serious labor problems--were not represented. There were two other difficulties which have plagued school officials since the beginning. Nevertheless, for the first time there seemed to be general agreement on most of the substantive issues. The problems which arose centered around two questions: Do teachers have the right to strike, and can Religious belong to teachers unions without compromising their vow of obedience to their Religious Superiors?

Two of the principal speakers, the late Father Robert E. Reicher of the now defunct Chicago Catholic Council on Working Life, and Mr. E. Riley Casey, General Counsel to the National School Boards Association, gave a "yes" answer to both questions. So did many of the Superintendents--and so will I this evening.

This brief summary of what happened at the 1968 USCC seminar suggests, to me at least, that we have, regrettably, lost ground during the past eight years. Had the consensus arrived at in 1968 held firm, presumably there would have been no need for this follow-up symposium and certainly no need for even a pro forma paper on the subject I have been asked to cover, "Theological Perspectives." In short, this meeting, which comes none too soon, is being held in response to a crisis, which, unfortunately, may get considerably worse before it gets any better. For present purposes, there

is no need to describe in detail the nature and scope of the crisis. This is being done on a continuing basis--and quite professionally, in my opinion--by Cliff Foster of the NC News Service and Jason Petosa of the National Catholic Reporter, among others.

In response to this crisis, as you know, a joint USCC Education-Social Development Committee is now in the process of drafting a policy statement which, in due time, will be transmitted to the general assembly of the Bishops for their consideration. When I first met informally with representatives of one section of this Committee, I pointed out that almost everything that needed to be said about the unionization of teachers in Catholic schools had been said extraordinarily well by the late Father Reicher in a scholarly and carefully nuanced article published in the November 1967 NCEA Bulletin under the title "Collective Bargaining and Catholic Schools." I still think that this is by far the best thing ever written on the subjects which you will be discussing during the course of this symposium. With one exception, it covers all of the major problems on your agenda. That one exception is the continuing controversy as to whether or not the National Labor Relations Board can properly claim jurisdiction over Catholic schools. When Reicher's article appeared almost ten years ago, the Board had not yet claimed jurisdiction in this area, and, odd as it may sound today, he and many others were hoping at that time that the Board would do so in the interest of helping the parties to develop a realistic system of labor-management relations.

For better or for worse, the situation, as you are well aware, has radically changed in the meantime. The National Labor Relations Board has recently claimed jurisdiction in several cases and, in each case, has been challenged on constitutional grounds. Because this matter has yet to be adjudicated by the Federal Courts, it would be awkward for me, as a USCC staff member, to voice an opinion about it. For the time being, I can only express the hope that this highly volatile issue will not be used as a delaying tactic and will not distract the parties from facing up to the essential question confronting all of us; namely, the right of teachers to organize into a union of their own choice and to bargain collectively with their employers. There are those who think, whether correctly or not, that if this issue had been dealt with realistically across the board, the question of NLRB jurisdiction might never have arisen in the first place. Whatever of that, if the consensus which Bishop Hughes discerned at the 1968 USCC seminar has begun to fall apart, one can only hope that it will soon be put back together again, for unless we can agree without equivocation that teachers have the right to organize and bargain collectively and that school administrators have the duty to honor this right in practice, we are heading for serious trouble--the kind of trouble that could divide the Catholic community for many years to come. This would be a scandal and would predictably do almost irreparable harm to the Catholic school system in the United States.

I realize, of course, that these are pragmatic judgments and do not bear directly on the subject I have been asked to talk about this evening, "Theological Perspectives." So, let me turn belatedly to that particular theme.

The word "theology" may be inappropriate in this context. I take it that what we are talking about is not theology as such, but social ethics as summarized, for our purposes, in a number of official Church documents.

The right of workers to organize and bargain collectively has been clearly asserted in a succession of papal encyclicals, including Rerum Novarum, Quadragesimo Anno, and Mater et Magistra. Since these documents are well known to all of you, it will not be necessary to quote from them directly. In lieu of that, let me settle for a brief citation from the most recent Church document on the subject under discussion, the Vatican Council's Pastoral Constitution on the Church in the Modern World:

> . . . decisions concerning economic and social conditions on which the future of the workers and their children depends, are rather often made not within the enterprise itself but by institutions on a higher level. Hence the workers themselves should have a share also in controlling these institutions, either in person or through freely elected delegates.
>
> Among the basic rights of the human person must be counted the right of freely founding labor unions. These unions should be truly able to represent the workers and to contribute to the proper arrangement of economic life. Another such right is that of taking part freely in the activity of these unions without risk of reprisal. Through this sort of orderly participation, joined with an ongoing formation in economic and social matters, all will grow day by day in the awareness of their own function and responsibility. Thus they will be brought to feel that according to their own proper capacities and aptitudes they are associates in the whole task of economic and social development and in the attainment of the universal common good.
>
> When, however, socio-economic disputes arise, efforts must be made to come to a peaceful settlement. Recourse must always be had above all to sincere discussion between the parties. Even in present-day circumstances, however, the strike can still be a necessary, though ultimate, means for the defense of the workers' own rights and the fulfillment of their just demands. As soon as possible, however, ways should be sought to resume negotiations and the discussion of reconciliation.

I have yet to meet anyone involved in the teacher union controversy who disagrees in principle with this conciliar statement. There are certain indications, however, that, in applying this principle, some administrators may not be paying sufficient attention to the "signs of the time" in the sense in which that term is used in the Pastoral Constitution. Pope John XXIII, who had an uncanny feel for the "signs of the time," noted on more than one occasion that in today's world there is a growing sense of human dignity and that people today are more conscious than ever before of their basic human rights. Father Reicher, in the article to which I have already made reference, pointed out that this developed consciousness may be applied to economic life and in particular to the economic and social life of the Catholic school system. "Teachers and allied personnel," he wrote, "have a greater desire to influence the social milieu in which they work. . . . Therefore as we have seen a growing desire among men to participate in the political sphere, so also there is a greater desire to participate on lesser levels of human activity. Perhaps the very complexity of modern life makes

the working arena an easier entrance to influence and participation than any other, with the possible exception of the local community."

Reicher also pointed out, in this connection, that some school administrators make the mistake of thinking that unions are exclusively concerned with economic matters. It was his contention, with which I fully agree, that even when the economic return to school personnel is just and adequate, there is still a need for teachers unions.

In summary, then, without going any further into theological or ethical niceties, I would say that we must avoid at all costs the danger of underestimating the intelligence, the determination, the drive, and the legitimate aspirations of school personnel.

One of the great mistakes that was made by the American management in industry 40 years ago was that it completely underestimated the intelligence, the determination, the skill and the drive of the people it was dealing with. Forty years ago, management in the mass production industries thought that the workers' drive for unionization did not have to be taken seriously, but now I am sure they are happy, by and large, that it came to pass. The time has come, I think, for our Catholic institutions to do what everybody else in the United States had to do 40 years ago, and that is to begin to take seriously the right, or if you will, the obligation of people to organize into their own economic organizations--not to put our schools out of business but to enable them to carry on human relations in the economic field in the most sensible way that men have thus far been able to discover.

In a more perfect world, in a utopian world, there might be a better way to carry on human relations in the economic field than to do it through unions, but we do not live in that kind of world. And the notion that because we are connected in some way or another with Catholic institutions, or even worse, the notion that because we graduated from a Catholic nursing school and are now working in a non-Catholic hospital or health situation, and therefore should not get involved in this rather "dirty" business of trade unionism, is as dead as a dodo. We live in a real world in which most people, in one form or another, are going to carry on an economic relationship through organization. To fight it under some confused understanding of the vow of poverty, or of the independence of church-related institutions, would be a serious mistake.

One very significant development in this area ought to teach us a lesson; namely, the rapid growth of teachers' unions and associations in the public school system and the increasing militancy of these organizations. Ten years ago, if anyone had predicted this development, he would not have been taken seriously. Five years ago, nurses, teachers, and people in similar professions simply had nothing to do with formal processes of labor-management relations. That couldn't go on forever. Industry is finding this out even in the case of highly skilled technicians and engineers. At long last--like teachers, nurses, and professionals--they are beginning to organize and to insist on their right to bargain collectively with their employers.

What I am suggesting is that rather than be the last, as we have so often been in the past, administrators of Catholic institutions should strike out on their own and, for once, take the lead in establishing progressive labor-management relations in their particular profession. There is no reason why they can't do it, and every reason why they should.

At the present time, I think it would have to be said in all honesty that Catholic institutions, by and large, are not out in front in the field of labor-management relations. The time has come, then, to make up for lost time. The administrators of Catholic institutions can no longer ask for special treatment on the grounds that their institutions are serving society on a nonprofit basis and should therefore be exempt from the normal rules of labor-management relations.

If Catholic administrators want to be real professionals today, they must operate according to the highest standards of the communities in which their institutions exist. In the field of labor-management relations, that means complete freedom for their professional and nonprofessional employees to exercise their right to organize and to carry on collective bargaining according to the procedures long since established, under the law of the land, in private industry.

Let me now turn to two of the specific problems which are causing concern to school administrators--even, or especially, to those who sincerely want to cooperate with their personnel in developing a sound system of collective bargaining: (1) Should teachers who belong to Religious orders be included in the bargaining unit? (2) Is it proper for Catholic teachers to belong to a union whose official policy may be at variance with the Church's stand on abortion and school aid, for example?

The first of these two questions surfaced in the Catholic school system in the middle sixties when the Archdiocese of Philadelphia officially recognized the Association of Catholic Teachers as the exclusive bargaining agent for all lay teachers in the secondary school system. Shortly thereafter, in response to that development in Philadelphia, 90 Religious from 17 different orders came together at St. Francis de Sales College in Allentown, Pennsylvania for a symposium on Religious and Unionism. The symposium, which brought together Religious Superiors, school administrators and teachers from six orders of Priests, two of Brothers and nine of Sisters, discussed the following statement and questions: "The Archdiocese of Philadelphia has officially recognized the Association of Catholic Teachers as the exclusive bargaining agent for all lay teachers in the secondary school system." "In areas of mutual concern, should Religious be represented at the bargaining table?" "Assuming that they should be represented, how should they be represented?" "What effects will this have on Religious life?"

The six study groups of 15 Religious each were unanimous in supporting some sort of bargaining representation for Religious. One group asked that they be represented "as members of a teaching faculty, not necessarily as members of a Religious order." Issues such as seniority and teacher substitution were suggested as items which might be discussed.

Suggestions for the method of representation ranged from a proposal that Religious Superiors meet with diocesan school officials to a recommendation that a senate be formed which would involve lay and Religious teachers at all levels. While some symposium participants saw problems of religious obedience in such areas as possible support for teachers' strikes, the various group reports indicated that the symposium participants felt that any such problems could be resolved and that the advantages would far outweigh the disadvantages. One group noted: "Insofar as obedience is concerned, since most of the problems come from dissatisfied individuals, this representation would also be a means of better understanding."

A year later, the National Catholic Educational Association sponsored a formal debate on this subject at its annual convention in Detroit under the heading: "Religious teachers in unions, Yes or No?" Brother James F. Gray, S.M., Director of Education for the St. Louis Province of the Society of Mary, took the affirmative position, arguing that Religious should be free, if they so choose, to join the existing lay teachers unions in a growing number of U.S. dioceses. Father Joseph Lynn, O.S.F.S., Director of Education for the Eastern Province of the Oblates of St. Francis de Sales, took the negative position. He argued that while Religious have a right to associate to protect their own interests, they do not really belong in lay teachers unions.

The papers delivered by Brother Gray and Father Lynn were later reprinted in the official magazine of the NCEA. For present purposes it will be enough to summarize them very briefly.

Father Lynn and Brother Gray agreed that Catholic lay teachers, of necessity concerned about their financial situation, have the right to unionize, and that this right is now recognized by most Religious and diocesan school officials; that most Catholic lay teachers unions do not want Religious in their membership, fearing that Religious are not concerned enough about money; and that Religious have a right to an equal voice with laymen in the operation of the schools.

They disagreed on how that last objective might be best achieved.

Brother Gray said having a school's lay and Religious teachers in a single union would further the unity and morale of teaching staffs. But Father Lynn said teachers unions are "in conflict with the basic principles of the Religious life."

"Religious by the nature of their lives, don't split into opposite camps" of labor and management, Father Lynn said.

"Superiors exist to serve their confreres, not to exploit them; the working relations of Religious with their superiors are based on motives of obedience and love, not on the legalistic terms of labor contracts," he declared.

Moreover, he continued, "the corporate nature of the Religious life and the total commitment a Religious makes to his apostolate is precious."

"The corporate nature of the religious life from the earliest days of Christianity up to the present time has been the secret of the marvelous things achieved by Religious orders," Father Lynn said.

"To render this corporate action asunder by dividing the members of a community into opposite camps of labor and management would be to deprive the Church and Catholic schools of our nation of a force that is desperately needed today, more than at any time in our nation's history," he declared.

"Religious must exhibit a generosity and an otherworldliness that make their commitment distinct from that of a layman," he continued. "They must give themselves to God's work under obedience, and this simply isn't the kind of labor recognized by any type of American labor union."

However, Father Lynn stated, "in relation to the rights that are bargained for between laymen and management, Religious must have a voice; their presence must be felt--not to enhance their position or to win concessions but to be protected from being overburdened or underprivileged . . . to the detriment of their efficiency as teachers."

This is one of the reasons, he said, an association of Religious teachers is being formed in the Philadelphia Archdiocese.

Brother Gray said: "When a teachers association is formed, it becomes a monstrosity if it has just lay members."

Such an association could exclude more than half the teachers in a school or diocese, he said, thereby placing power even in administrative details in the hands of a minority.

"I'm not here to have a platform that urges the adoption of such unions," Brother Gray stated. However, he said, teachers unions de facto exist, and when they do, they have no right to exclude the membership of Religious teachers. To do so might have "a detrimental effect on the school," he said.

Brother Gray denied Father Lynn's contention that membership in teachers unions would necessarily be incompatible with the Religious life. He said, however, it would be an "anomaly" for a Catholic teachers union, whether of lay or Religious teachers, to be connected with non-Church unions such as the United Federation of Teachers.

Brother Gray also advocated a single salary scale for diocesan school systems through which Religious would be initially paid the same salary as their lay counterparts. The individual Religious would not keep the money, however, he added. In accordance with his vow of poverty, the bulk of his salary could be turned back to the order or put into diocesan projects, Brother Gray explained.

But placing Religious on the same salary scale would have the advantage of boosting their morale by dramatizing the worth of their "contributed services," Brother Gray said. It would also improve the bookkeeping in Catholic school systems, which, he said, often do not know the extent of

their resources or their problems since no accurate figures are kept on the "contributed services" of Religious.

If necessary, the foregoing summary of the arguments pro and con on the question, "Religious teachers in unions, Yes or No?" can be fleshed out in greater detail during the question-and-answer period following my initial presentation. Meanwhile, speaking as one who knows very little about Religious life and even less about school administration, I believe that the arguments in favor of Religious membership in teachers' unions as presented by Brother Gray are more convincing than the contrary arguments presented by Father Lynn. In this respect, I again find myself in agreement with Father Reicher. Reicher wrestled with this problem over a period of several years in a series of working papers. In the end, having carefully weighed all of the alternatives, he opted for free and equal participation of nonadministrative faculty members with lay faculty members in the same organization. He realized, of course, that this would result in a number of problems, but he was convinced that none of these problems was insoluble.

"One of the first problems," he wrote, "is that of Religious obedience and loyalty. In a midwestern school, one administrator believed that participation in such an association involves disloyalty to the order. If this belief is true, then my basic assumption that both should have equal representation is wrong and incorrect. However, I think that the mature Religious faculty member has a professional competence which extends also to participation in associations or organizations. The Religious Superior who is simultaneously a school Principal will probably disappear, because we have found how difficult it is to keep both jobs in a single person. I do not believe that a Religious Superior can use religious obedience as a means to subvert the legitimate desire of lay people to bargain collectively."

Reicher also emphasized that lay teachers must recognize the right of Religious to organize and must admit them to their own associations on a basis of equality. Lay groups themselves, he said, must appreciate the problems of religious obedience but at the same time must view the teacher as a free and responsible person unless and until the contrary is proven.

With regard to the rights of school administrators, Father Reicher recommended that initial collective bargaining contracts be made very flexible. He thought that the jurisdiction of the Religious Superior in certain essential matters ought to be spelled out. For example, he said that a Religious should not be able to use an association or union to prevent a transfer or an assignment from his Religious Superior. The first collective bargaining agreement, he suggested, is not going to be one in which all possible difficulties are foreseen. Therefore, the need for flexibility and the need for an adequate grievance procedure.

On the question of Religious poverty, Father Reicher started out feeling that there might be something wrong about the administration of a Religious order paying dues and fees for Religious teachers with whom the order would later have to deal in collective bargaining. In the end, however, he concluded that, within the framework of reference of the vow of poverty, Religious do and ought to receive a certain amount of disposable

income for professional purposes. Financial responsibility, he said, includes the responsibility of supporting professional organizations, unions, etc., where they are required.

Father Reicher, in everything he wrote on this subject, was at pains to say he was doing so as one who had no first-hand experience with Religious life and no expertise in the field of canon law. Having made the same confession in my own case, let me repeat, in conclusion, that in my opinion, Religious should be free, if they so desire, to organize for collective bargaining purposes and that the exercise of this right, in my judgment, is compatible with the observance of their vow of obedience and poverty.

Now a word about the question as to whether or not it is appropriate for Catholic teachers to belong to a union whose official policies may be at variance with the Church's stand on abortion and school aid, for example. This question has been frequently raised as an argument against membership in the American Federation of Teachers. If the AFT's stand on abortion and school aid, for example, is as bad as its critics have made it out to be (and I must admit that I have yet to see all the evidence on this matter), I obviously disagree with the union. For better or for worse, however, the policy positions adopted by any union on any subject can only be changed by the members of that organization--which might be an argument for encouraging more Catholics to join the organization than are in it at the present time. In any event, even if the National Labor Relations Board were not to assume jurisdiction over Catholic schools in the area of collective bargaining, there would be nothing to prevent Catholic teachers from choosing the AFT to represent them. As a matter of fact, this has already happened in more than one diocese. I am not aware that it has resulted in any serious conflict over federal aid or abortion, one reason being that local units of the AFT enjoy complete autonomy on issues of this kind.

The crucial point to bear in mind in this controversy is that teachers, like all other workers, have a right to be represented by the union of their own choice. One may regret the choice by some teachers of a given union, but, in the final analysis, this is a decision that they and they alone can make. With all due respect to those who are trying to prevent their teachers from joining the AFT, I can only say that, in my judgment, they are fighting a losing battle.

In passing, let me add a word about the danger of approaching the problem of collective bargaining in Catholic schools exclusively from a negative and legalistic point of view instead of concentrating on constructive, forward-looking, nonlegalistic ways of making collective bargaining work in the best interests, not only of the teachers involved, but of the schools themselves and the pupils who attend them. In other words, I would strongly recommend that school administrators who are involved in collective bargaining with their teachers consult not only with lawyers, but also with experts in the field of labor-management relations who, by reasons of their training and experience, are more inclined than many lawyers are to look for constructive ways and means of making collective bargaining work. I mean no offense to the legal profession when I say that, while there is obviously a place for lawyers in the area of collective bargaining, they are not, as a general rule, good negotiators in the field of labor-management relations.

Their training and their occupational bias inclines them very often to advise their clients on how to get around the law (legally, of course) instead of counselling them on ways and means of reaching a satisfactory settlement and setting up procedures for the ongoing administration of a collective bargaining agreement. The history of labor-management relations is replete with examples of this and is borne out dramatically by the experience of our Bishops Committee on Farm Labor in connection with the California farm labor dispute. In that dispute, lawyers, with a few notable exceptions, have, in my opinion, done a disservice to their grower clients by taking a narrowly legalistic approach to a complicated human relations problem and by counselling them on ways and means of getting around the law. I think it would be disastrous for school administrators to make this same mistake.

In conclusion, while many of the problems which confront school administrators in this difficult area of human relations, including the problem of NLRB jurisdiction, are deserving of serious consideration, we dare not ignore the potential scandal that would almost inevitably result if Catholic school administrators, either explicitly or by default, were to give the impression at this late date that they were using legalistic arguments to oppose the right of teachers to organize into a union of their own choice and to bargain collectively. In my judgment, we are not yet sufficiently aware of the permanent harm that might be done to the image of the Church in this country if we were to mishandle this dispute.

In any event, we can only hope and pray that, for the reputation of the Church and for the good of the Catholic school system in the United States, we will be able to come up with a policy which, while giving due attention to the problems besetting school administrators, will face up honestly and realistically to the central issue; namely, the right of teachers to organize and bargain collectively. Let's also hope and pray that we will do this according to the spirit as well as the letter of Catholic social teaching which is a very honorable part of our tradition.

11

REFLECTIONS UPON THE PROS AND CONS OF COLLECTIVE BARGAINING IN CATHOLIC SCHOOLS

Edward J. Burke

Introduction

Unquestionably, any address on "unionism" to "management" representatives who are also religious or priests, involved in the operation of Catholic schools, has the potential for controversy, due to what some perceive as an inherent conflict between "the teachings of the Church" on employee rights to organize versus the management responsibilities of Catholic school administrators.

Based upon my past experiences, it is possible that some of you may see things a bit differently than I would view them, and, a few may even hold contrary views. Under the circumstances, I would expect such reactions. What amazes me, however, is the apparent belief of some union spokesmen that I have encountered that their viewpoint is the only one that should be presented for consideration by Catholic school employers. I submit that you have a right to be and should be advised on all aspects of the collective bargaining process so that you can make your own informed decisions, when and if the need arises.

Let me preface my address by emphasizing and confirming my endorsement of our national labor policy to encourage collective bargaining as it has developed since the 1930s and which has had a major role in bringing about unparalleled economic growth to the country and its millions of workers who, through their union representatives, have participated in the benefits of the Nation's industrial development.

However, I think it is only fair and proper that, when faced with a labor question, an employer be permitted to act in accordance with all applicable legislation and Church teachings, rather than the selected portions preferred by union advocates.

I submit to you that the bedrock policy question for you to resolve is not: "Do the laws of the country and the teachings of the Church dictate that your employees be unionized?" Or, as one Church spokesman has been quoted as saying: "The time has come, I think, for our Catholic institutions to do what everybody else in the United States had to do 30 years ago, and that is to begin to take seriously the right, or, if you will, the obligation of people to organize into their own economic organization." (Emphasis added.) To the contrary, I believe the basic policy question for you to resolve is:

> As a Catholic school administrator do I have a responsibility to my employees to provide them with the best possible working conditions, so as to remove the need for them to seek outside assistance from a union to achieve the same conditions--all the time recognizing their right to bargain collectively if a majority so desire?

As you might gather, my answer to the first question is "no." My answer to the second question is "yes."

Having said that, let's shift from the theoretical to the practical application of this labor policy to Catholic schools, particularly as it applies to your faculties, without intending to exclude clerical and maintenance staffs from consideration.

Economic improvement is the major concern of faculty members, but it is not the only concern--job security and working conditions will be significant if not controlling factors in any decision by a faculty to seek or reject union representation. Where a faculty member knows the school is doing everything it can to raise his income and benefits, he will quite likely be disposed to accept what is offered, even though it may be less than what he would otherwise accept.

But, if he feels he is taken for granted, if he is excluded from participation in normal faculty activities which are assumed, say, by the principal or determined only by priests and religious faculty members, he will seek an active voice in these matters, through a union representation if necessary.

If teachers are not rehired due to personality clashes, favoritism, or inadequate remedial assistance in correcting obvious weaknesses, the remaining faculty members will seek the protections, real or imagined, offered by the union.

In the above situations, and many others, the teacher is inclined to have a long memory and be receptive to "protection through the union," and the school will have no one to look to but itself as the cause of the attitude developing.

I tell you ladies and gentlemen, there are instances where unionization, with all of its related drawbacks, is appropriate. It is up to you to see that this situation does not develop in your school.

Now, what I have just said should not be interpreted as a proposal that your faculties be organized--far from it. Because of the numerous negative aspects of unionization of Catholic school faculties, I would encourage you to do all in your power to correct and/or avoid those circumstances which would prompt your teachers to seek better working conditions through a labor union.

Public Policy and Church Teachings on Teacher Unionization

It is often asked by those involved in Catholic education but who have not had much experience with Catholic school unions, how, in light of Church teachings and the public policy of the United States, can anyone oppose a union's drive to organize the faculty of a Catholic school? And, even if such opposition could be justified, why would anybody want to do this in this day and age when everyone belongs to a union?

My answer would be as follows: No Church teachings, no laws, and no policies stand for the position that teachers should be organized. In fact, public policy, as expressed by the applicable statutes of most states, says that teachers and other public school employees should not be organized for purposes of collective bargaining. Even where they are permitted by law to bargain, they may not engage in strike activity except in two states. In one of these two states teacher strikes can be enjoined by court order. Thus, it can hardly be said that teachers have an inherent right to unionize, bargain, and engage in strike activity under the law or public policy of this country. Despite the numerous pressure of organized labor to have enabling legislation passed by the respective states granting teachers these rights, the Congress and most state legislatures have stated that to do so would not be in the public interest.

Further, nothing in the encyclicals or social teachings of the Church says that employees should be unionized. And, as a matter of fact, an argument can be made that our Holy Father, Pope Leo XIII, in the Encyclical "Rerum Novarum," the "cornerstone" of Church teaching on labor matters, or, as Pope Pius XI called it, "The Magna Carta" on which all Christian activities and social matters are ultimately based, put forth the basis for legitimate opposition by school administrators to the unionization of Catholic school employees under state or federal law when he wrote, and I quote:

> There are times, no doubt when it is right that law should interfere to prevent associations, as when men join together for purposes which are evidently bad, unjust or dangerous to the state. In such cases the public authority may justly forbid the formation of associations and may dissolve them when they already exist. (Rerum Novarum, May 15, 1891, in Seven Great Encyclicals, p. 24.)

Clearly, this brief passage must be read in conjunction with the entire document. But, at the very least, it shows I believe that "Church teachings" do not contain a blanket requirement that all employees be represented by a union. Given a complete review of all of the circumstances, I contend that it is quite appropriate under Church teachings for a Catholic school to encourage its teachers to reject a union, just as it is consistent with Church teachings for the states and the federal government to justly forbid unionization of public school teachers as "bad, unjust or dangerous" to the welfare of the country and/or its respective states.

Objections to Teacher Unions in Catholic Schools under the Jurisdiction of the National Labor Relations Board

As to why you would want to oppose collective bargaining with your faculties, I believe you have to first distinguish between unionization of your Catholic schools under the jurisdiction of the NLRB or a state agency, as opposed to the involvement of your faculties, all of your faculties, in determining their own working conditions. I believe it is in everyone's interest to build into your personnel policies some mechanism for faculty

input--it just makes good sense to know faculty concerns and either satisfy them where practicable, or offer an explanation where certain improvements cannot be implemented.

To be governed by NLRB imposed rules and regulations is an entirely different matter. For example:

1. Why should a government official (who may have just recently completed his college or law school training, as is often the case, and who may know little or nothing about Catholic schools) have the power to say that the faculty should be divided into lay teachers and priests (or religious) with the priests and religious denied any say in the development of day-to-day working conditions?

2. Why should the lay teachers in Catholic schools be able to strike and even engage in a code of conduct repugnant to Christian principles with governmental protection, while a public school teacher is prohibited by these same governments from engaging in this very same activity or, as in most cases, any kind of union activity, and could be fired for so doing?

3. Why should a principal or pastor be exposed to a union challenge and forced to resort to the courts to protect his right (if not his obligation) to terminate teachers who, by word or act, scandalize and mislead students who are enrolled in a Catholic school to obtain a Catholic education?

4. Why should a Catholic school be pressured to adopt restrictions on its managerial prerogatives for the benefit of lay teachers at the expense of the school, the educational program, and the students?

I could go on and on, but I think you can see my point. Unionization under the NLRB is not inevitable, but once a school is unionized, confrontation and controversy is inevitable. Perhaps it will come right away. Perhaps it will be years in coming, but it will come.

The all too familiar pattern is that no matter how high-principled and well-intending individuals are who propose the formation of a union, the union/school relationship will ultimately develop into a move by the lay teachers for more money and more power, sometimes at the expense of the students and the schools.

Some of you may view this somewhat negative projection with suspicion. It is possible that in some cases these concerns may never arise. But you should be alert to what can happen so that you know what you are facing and be able to respond accordingly.

Management's Response to an Organization Drive by a Teachers Union

Let me spend some time on what an employer should normally do when an organization drive develops. There are a number of important considerations for you to be aware of:

1. Unless the faculty hears from you as to your viewpoints it is quite likely that they will assume that, by your silence, you are in favor of the teachers organizing. Unless you express your views, the chances are they will believe that you are in favor of the unionization of your faculty.

2. You must understand that a union organizer will give the faculty only one side of the story. I submit that you not only have the right to speak out on the drawbacks to unionization, but that you have an obligation to do so. The average faculty member will not know all of the pluses and minuses of unionization and unless you tell him he will not be able to make an intelligent judgment. For example, how many faculty members on your staff know that, as interpreted by the United States Supreme Court, it is the national labor policy of this country that the unionization of the faculty:

> . . . extinguishes the individual employee's power to order his own relations with his employer and creates a power vested in the chosen representative to act in the interests of all employees. 'Congress has seen fit to clothe the bargaining representative with powers comparable to those possessed by a legislative body both to create and restrict the rights of those whom it represents.'
>
> Integral to this federal labor policy has been the power in the chosen union to protect against erosion of its status under that policy through reasonable discipline of members who violate rules and regulations governing membership. That power is particularly vital when the members engage in strikes. The economic strike against the employer is the ultimate weapon in labor's arsenal for achieving agreement upon its terms and "[t]he power to fine or expel strike-breakers is essential if the union is to be an effective bargaining agent." (Emphasis added.) (NLRB v. Allis-Chalmers Mfg. Co., 388 U.S. 175, 180-181 [1967].)

For example, based upon the above statement of the law, how many faculty members on your staff know that if the union contract provides for tenure or termination after so many years, and faced with the likelihood of termination, a teacher asked for an additional year to prove himself on a nontenured basis, he does not have the right to agree to work another year as a nontenured teacher.

In one situation in which I was personally involved, his union can, and his union did, tell the school to either give him tenure or fire him, regardless of the teacher's personal preference. As you can expect, in the case that I am familiar with, tenure was not granted and the teacher was terminated, despite his willingness and the school's willingness to continue him as a nontenured faculty member.

You have to try to make clear to the teachers the distinction between the faculty as individuals, and a union, which is a separate and distinct organization from its members. Sometimes the goals of the union are in conflict with those of its members, even at the expense of the members if need be.

Legal Questions and the Role of the Labor Counsel

You are going to have to seriously study the bargaining unit as opposed to the union when and if a union approaches and an election is ordered or agreed to. For example, should priests and religious be in, or should they be out? Should department chairmen be in, or should they be out? Should it be one school, or should it be a number of schools? Who is the employer--the board of trustees of the school, or the diocese, or the religious community? There are many questions of that nature, which leads me to state the need for you to obtain now, ahead of time, competent labor counsel to have available to you at the time you need it. As the story goes about the Westerner who does not need his gun until he needs it damn bad, you should have your labor lawyer available to you so that when you need him he's there and familiar with the circumstances.

In this connection, let me talk a bit about the role of a labor lawyer in union representation and collective bargaining. If you were to follow the advice of AFT leaders, you should not consult with the one competent individual available to you to assist you in your dealings with a union. The union, however, does not want to work according to the same ground rules. They will spend enormous amounts of time, energy, and money to prepare qualified staff representatives who may or may not be attorneys, to assist the teachers in their organizational drives and in their collective bargaining. I know of no valid reason why you, as an employer, should be denied similar assistance, unless you accept the proposition that you should not be allowed to deal with the union on equal terms. A labor lawyer, even one familiar with Catholic schools, has little or no background or abilities that would enable him to effectively run a Catholic school. Likewise, no matter how well-versed a school administrator is in the day-to-day operations of a school, he does not necessarily have the background and ability to engage in bargaining in a way that will best present and preserve the interest of the school. I strongly urge you to obtain competent labor counsel at the earliest possible time, so that when and if you need such advice you have it available to you simply by dialing a number on a telephone.

Conclusion

Throughout the course of this conference I am sure you will hear many other viewpoints on the role of unions in Catholic schools. They will be from different perspectives and from individuals with differing backgrounds. I do not expect that each and every one of you will necessarily accept all of the above as the last word on this subject, but I hope that what I have said will assist you in drawing your own conclusions on how to best approach the issue in your respective dioceses and schools.

TOWARD JUSTICE FOR ALL

Rev. John F. Meyers

I should emphasize before I begin that this is not a regular speech. When I give a speech, I may often be wrong, but I am never in doubt. Right now, I am in doubt.

I must also recognize my collaborators in this presentation. George Elford--to my astonishment and probably yours, too--has entrusted me with presenting his views, even though he cannot be here with us to correct me. Ed Ryle, who teaches social work at The Catholic University of America, but who is getting his doctorate in theology, has also helped. Usually, I don't have collaborators on speeches. Maybe that's why I'm in doubt.

This presentation is perhaps best labeled a process paper, a working draft, or a speech. As Paul VI said in A CALL TO ACTION, "progress has already been made in introducing in the area of human relationships, greater justice and greater sharing of responsibilities. But in this immense field much remains to be done. Further reflection, research and experimentation must be actively pursued, unless one is to be late in meeting the legitimate aspirations of the workers. . . ." (No. 15)

After a few introductory remarks, we would like to present several concrete models, or some new social structures, which may stimulate your own reflection, research and experimentation. It is my hope that in the discussion to follow, we might refine them or devise better and more realistic models that might be initiated. People, I'm told, used to ask Mahatma Gandhi how he could change his mind from one week to the next. And his reply was: "Because in the course of the week, I learned something." I trust tonight, that we shall all learn something.

It's good, I'm told, to begin with some assumptions. I have nine.

1. The worker has a right to a just, living, family, saving wage and good working conditions.

2. The workers have a right to organize, bargain collectively, and (note this) participate meaningfully in decisions which affect the enterprise.

3. Social justice requires the establishment of a structure or set of structures that assures justice will be provided. Paternalistic relationships are not enough.

4. The Catholic Church, while it may be described as an institution, is more adequately described as Sacrament and Community, or the People of God.

5. Some Church enterprises are more closely related to the central sacramental mission of the Church than are others.

6. The Catholic school is best defined as a Christian Educational Community, and as such, it is more closely related to the central sacramental mission.

7. The government must avoid excessive entanglement in the religious affairs of the Church.

8. Parents have the right to participate, usually through elected representatives, in policy decisions affecting the education of their children. This includes decisions concerning tuition and salaries.

9. The nature of the structure provided to promote justice should be consonant with the nature of the institution and not antithetical to it. Consequently, it would not be immoral to be opposed to certain types of structures or organizations, either of managers, administrators or teachers.

It seems what we are searching for is a social structure which will meet our assumptions and which will guarantee justice to all those involved in the Catholic educational ministry of the Church--teachers, both lay and religious, principals, parents, pastors, bishops, students. The concept of the Church as a community, and of the school as a Christian Educational Community, has significant implications for the ordering of relationships between persons having roles in the secular arena labeled "employers" and "employees"; "management" and "labor." In the Christian Educational Community, the relationship should be characterized by cooperation and not conflict; by service to others, not service of self; by harmony not hatred; by justice for all, not justice for some; and especially by growth in and witness to faith in Jesus.

Unfortunately, the history of labor-management relationships in the United States does not seem to be replete with adjectives connoting cooperation, harmony, service, faith. Within the educational ministry of the Church, we perhaps have an opportunity to establish new structures to promote better, Christian relationships among all members of the community.

From my reading of the social teachings--from Leo XIII to the Vatican Council and Paul VI, there are three points I'd like to call to your attention besides, of course, the right of the workers to organize, which we all recognize.

The first point I have been told by a friend, is really only of historical interest, since it hasn't been emphasized much since Pius XI. However, I think that in connection with Catholic teachers, it is well to recall it--and even act upon it.

Pius XI wrote: "the Encyclical ON THE CONDITION OF WORKERS most fittingly declared that 'workers' associations ought to be so constituted and so governed as to furnish the most suitable and most convenient means to attain the object proposed, which consists in this, that the individual

members of the association secure, so far as is possible, an increase in the goods of body, of soul, and of property' yet it is clear that 'moral and religious perfection ought to be regarded as their principal goal, and that their social organization as such ought above all to be directed completely by this goal.'" Since, in the Christian educational community, we propose as our goal the growth in faith not only of the students, but also that of the teachers, the ideal of moral and religious perfection should not simply be overlooked.

My second point is not, as I was told previously, merely of historical interest. John XXIII repeats it, and so does the Vatican Council. It concerns the participation of the workers in the decisions concerning the good of the enterprise--not just concerning issues of salaries and working conditions. GAUDIUM ET SPES says: "In economic enterprises it is persons who work together, that is free and independent human beings created to the image of God. Therefore, active participation of everyone in the running of an enterprise should be promoted. This participation should be exercised in appropriately determined ways." (No. 68).

And John XXIII says in MATER ET MAGISTRA: "it is today advisable as our predecessor clearly pointed out, that work agreements be tempered in certain respects with partnership arrangements, so that 'workers and officials become participants in ownership, or management, or share in some manner in profits.'" (No. 32). Now, I don't think we have to worry too much about sharing in the profits--but we should care about sharing in the management--and maybe in the losses.

My third point is that of the principle of subsidiarity, which is stressed in most of the documents. We shouldn't call in a third party to do something we can--or should--do ourselves, especially when we can do it better. The educational ministry of the Church is a mission of the Church and it seems we should be able to manage and direct it--with justice--without the need to have the state or federal government entangle itself in Church affairs.

Another thing that we ought to emphasize and which I have not heard mentioned at all so far in these discussions is the issue of responsibility. We have heard a considerable amount of talk about the rights of the worker. However, with every right there is a corresponding responsibility. All of us have rights--administrators and teachers. But we also have responsibilities. An organization may have every right to exist but if it acts irresponsibly, these activities should be condemned and, we hope, corrected.

Now we might suggest some characteristics of a social structure for justice within the educational ministry of the Church.

1. It should encompass all teachers--not just those in large cities or high schools.

2. It must be effective and have "clout."

3. It should bring together all segments or members of the Christian Educational Community--teachers, parents, principals, pastors, bishops--maybe even students.

4. It should involve some form of collective representation constituted by an electoral process.

5. It should have as its goal both the spiritual and the material well-being of the members of the community.

Now, after this somewhat lengthy introduction, I have three basic models to suggest. All of them are open to a variety of modifications.

Model I

This is a simple restructuring of the school board of board of education to include equitable representation from the teachers.

The Catholic school is a Christian Educational Community. Yet, in translating the public school model to the Catholic school, we have left out one segment of the community; namely, the teachers. In this new structure, teachers would ex officio hold membership on the board. An equitable number of representatives would have to be determined, and a process for their election would have to be decided.

Ideally, all those involved in the school would then look upon it as "our family enterprise," our guild, or our community--a Christian one. All of the people involved have basically the same interests: good education, faithfulness to the Church teachings, just salaries, good working conditions, reasonable tuitions and parish subsidies.

Within this new board structure, all policy decisions including salary issues and working conditions would be discussed with a view toward reaching consensus or a majority vote, which would be binding upon all. Teachers could or could not, depending upon their wishes, have a formal teachers' organization. The teacher representatives on the board, however, would have the responsibility for presenting the teachers' views on all issues concerning the school. This structure would insure that no salary decisions would be made without the active involvement of the teachers.

Modifications. I've suggested this model for the parish or local school level. A modification might be to have it only at the diocesan level. This would remove some of the objections that people have to including the teacher of the local school in the policy-making board of that same local school.

Another modification might be to let a committee of the board determine salary issues. The new advantage to this would be that it would include parents in the initial salary discussions.

Model II

This model suggests the establishment of an "Educational Personnel Commission."

It leaves the present local and diocesan board unchanged. It recommends that regional or provincial "Educational Personnel Commissions" with full authority over all personnel policies and practices within the region be established. It would be set up by the bishops of the U.S. with the cooperation of the NCEA.

Membership of each regional commission would be made up of six or seven teachers or administrators, two bishops, two pastors, and two religious community representatives, all of whom would be elected by all the teachers in the regions. By operating beyond the diocesan level, i.e., at the regional level, each commission would be able to have a volume of work that would justify one or more full time staff. Staff work is essential for effectiveness. Also, these regional commissions would be outside the jurisdiction of any one person--notably, any one bishop. Naturally, for these commissions to be effective, the local bishops would have to commit themselves to accept the decisions of the commissions.

The responsibility of each commission and its staff would include a careful review of all salary and personnel policies and practices in the region. They would not seek to impose a regional uniformity, but would review policies in terms of the local conditions. The commissions would arbitrate any local difficulties and serve as the final place of appeal for grievances. The composition of these commissions would assure that their deliberations would be governed both by the concern for individual needs and rights, as well as by a concern for the good of Catholic education.

Basically, the model presents a form of compulsory arbitration, Principals and teachers would be bound by contract to accept the decisions of the commission. To assure that others also follow the decisions, the commission could endorse a strike against any employer who refused to comply with the commission rulings. Such a commission-endorsed strike would be a show of unity, and would not be so disruptive of the Christian Community as the ordinary strike.

Modifications. Again, there could be some modifications. There could be:

1. Educational Personnel Commissions on the diocesan level, or

2. one, national, Personnel Commission which would be the arbitration board for all dioceses.

Model III

This is a short and simple one. It is the combination of Model I (the modified school board or board of education) and Model II (the Educational Personnel Commission).

Now, before we begin with discussion, I want to present one further item for your consideration, since it is related to our above suggestions.

The NCEA, which already has memberships from all those involved in the Christian Educational Community, has been requested to begin a new department, a National Association of Catholic Teachers, or a National Association of Teacher Organizations. It would be somewhat a counterpart to the NCEA Forum of Parents' Organizations, and would give more visibility and voice to the teachers who already hold, or would hold, membership in the NCEA. Likewise, it could be of service in the establishment of some of the models we have discussed.

Until now, NCEA has understandably refrained from getting involved in salary issues, yet this is one of the major concerns of the teachers. One reason for the hesitancy has been, of course, that NCEA would not like to find itself in a situation where one of its departments would be striking against another.

Nevertheless, local teacher organizations seem to want to affiliate or hold membership in a national association for a variety of reasons. In contrast to secular associations, NCEA could provide services to Catholic teachers, working in a distinctively Catholic school. It could also consider growth in faith as one of the primary objectives.

If any of the models proposed, or some modification of them, are accepted, the possibility of strikes would be eliminated. In the Educational Personnel Commission, Model II, NCEA would actually endorse a strike (if need be) of all its members against the employer who refused to accept the commission rulings. This would give considerable clout to the commission, and would not be so disruptive of the Christian community as an ordinary strike, since all would be united in seeing that justice was done.

Likewise, from the dues collected, NCEA could provide service to the local level with regard to such matters as data on salaries, costs; economic conditions; orientation and training sessions for local unit members.

These are just some suggestions. I realize the models may be simple--even simplistic. However, with the collective wisdom in this group, we may be able to refine them. Or maybe someone has a better idea. (That's not a paid political announcement.) Now, I'm ready to learn from you-- and maybe change my mind.

TEACHER ORGANIZATIONS IN CATHOLIC SCHOOLS

Rev. John L. Leibrecht

My paper has been divided into three sections. The first is a series of questions and answers about teacher organizations in Catholic schools. The purpose of the questions-answer format is to suggest that, as inquiry about teacher organizations in Catholic schools develops, attention must be given not only to formulating answers but also to identifying the proper and basic questions. Correct answers to peripheral questions contribute little, whereas even partial answers to the essential questions at least give a foundation on which to build. The questions and answers given below need expansion. Even so, they focus on the need to identify basic questions, as well as provide answers.

The second section offers a few fundamental guidelines to keep in mind when considering teacher organizations.

Third, I suggest several practical actions in light of the previous two sections.

Questions and Answers

Do teachers in Catholic schools have a right to organize? Yes. The Church has clearly taught that for the promotion of human dignity, for personal benefit, and for a common goal of justice, people may organize themselves. These natural law foundations cited by the Church's ordinary magisterium support the right of teachers in Catholic schools to organize. The "right to organize" leads logically to the separate and distinct question of the "reasons for organizing" into a particular group at a particular time.

Should teachers in Catholic schools organize? That is a decision for teachers to make. On the theoretical level, they need to examine the rationale behind organizing. On the practical level, they have to judge the advantages and disadvantages of organizing.

What kinds of organization might teachers in Catholic schools have? No limit presents itself. Faculty senates, faculty professional groups, administration-faculty decision-making teams, associations, and unions already exist as types of organizations which teachers have thought best for Catholic schools and for themselves. Local needs and circumstances affect the particular type of organization teachers form. The alternatives are many and take various forms according to the decisions made on such factors as the following:

1. Membership: an organization may be exclusive or inclusive depending upon whether religious and lay teachers belong to a separate organization or the same organization.

2. Structure: organizations may be "formal or informal" based chiefly on the presence or absence of a written constitution and by-laws. Formal organizations are either "associations or unions." Associations may be functionally defined as those teacher organizations which do not have one or more of the major components of the union (negotiations for salary, a grievance procedure, a master contract). Unions may be "independent or affiliated" according to whether or not they have affiliation with another union or bargaining unit. In practice, the terms "independent union" and "association" are used interchangeably.

3. Extent: an organization may extend to one school only, be regional, or diocesan-wide.

Different combinations of these factors account for wide varieties of teacher organizations in Catholic schools.

Should religious and lay teachers belong to the same organization? Ideally, yes. Though not every concern is equally appropriate to religious and lay teachers on a staff, most concerns are shared. The long range benefits of belonging to the same organization seem to outweigh the immediate problems which joint membership may encounter. No civil or canonical legal barrier prevents lay and religious from being members of the same organization. From a positive viewpoint, joining together in one organization may benefit the atmosphere and effectiveness of the school.

What are some of the factors to be considered by teachers if an organization is desired? Because the types of teacher organizations are so varied, this question is best answered by a set of further questions:

1. What are the needs of the teachers, the school, and students and parents which the teachers' organization would address?

2. What is unique about a teachers' organization in a Catholic school?

3. What other persons should be brought into a discussion of these matters?

4. What are the possible alternate forms of organization which would answer those needs?

5. What are the advantages of each?

6. How should those advantages and disadvantages be fully examined and refined through discussion?

7. After that examination and discussion, which type of organization does the majority of teachers think best?

Is the union, independent or affiliated, the best form of organization? That is for the teachers to decide. Examining all the possible forms of organization is the important thing. Teachers need to analyze carefully, decide if the original premise that an organization would be valuable stands

up under investigation, and then if they choose to organize, select that type of organization which best meets the criteria developed in previous discussions.

What responses should be manifested by administrators and boards when teachers choose to organize? Respect and cooperation are basic. Administrators and board members should understand that the decisions to organize or not organize, be formal or informal, independent or affiliated, building-wide or diocesan-wide are made by teachers. Keeping this in mind, administrators and board members should proceed in the following ways:

1. Help the teachers' organization to be sensitive always to the expectation that, like the Catholic school itself, the organization should be unique and willing to identify that uniqueness.

2. Work cooperatively with the organization in a spirit of mutual understanding and charity.

3. Attempt to minimize any adversarial relationships which might tend to appear on occasion.

4. Communicate, in a continuing dialogue, the hopes which administrators and board members, and others, have for the organization.

What if there are no teacher organizations? Board members, administrators and teachers should cooperatively provide procedures for communication and areas of shared decision making. They should deal mutually, for example, with the philosophy and direction of the school, the curriculum, student welfare and teacher welfare. In particular, definite procedures should be created to provide for desirable working conditions, job security, due process, and advancement. However, whether or not a teachers' organization exists, the principles of social justice require that conditions for teachers be properly served in every school and diocese.

Where a teachers' association or union exists, aren't strikes possible? Yes. Strikes have complex repercussions on everyone and, therefore, are an action of last resort. The "right" to strike must be recognized as part of the Church's social teaching. The "exercise" of that right may take place morally, the Church teaches, only when a combination of specific circumstances warrant it. The right to strike and the morality of a particular strike are two different considerations and should be dealt with as such.

How does the National Labor Relations Board (NLRB) relate to teacher organizations in Catholic schools? The NLRB has no relationship to the kinds of organizations teachers most frequently have in Catholic schools. The question as to whether it has a relationship to any kind of teacher organization in Catholic schools is under dispute and has been brought to the courts.

Principles Related to Teacher Organizations

Because the Catholic school is unique, agencies directly related to it must also be unique. Before discussing what actually makes the Catholic school different from public schools and other private schools, religious or secular, it is necessary to understand that consistency of purpose requires that agencies directly related to the Catholic school also be unique. This includes boards, PTA's, and teacher organizations. The model for the Catholic school is not the public school, the secular private school, or even the Protestant or Jewish religious private school. The Catholic school curriculum is not modeled after other schools, although similarities are present, nor is teaching in a Catholic school the same as teaching in another school. To be consistent with this, agencies integrally related to the Catholic school, including teacher organizations, should not simply replicate agencies in other schools. Not only are there similarities, but definite and identifiable differences. A beginning point for all teachers' organizations, therefore, is the need to identify both the similarities and the differences it has with teacher organizations found elsewhere. While many good components can be found in the labor-management model, simply adopting that model in toto makes dealing with the uniqueness factor clumsy at least, impossible at most.

Because the underlying uniqueness of the Catholic school is found in the ideal and practice of "faith community," every teachers' organization must be designed as to be an integral part of that community of faith. "All those involved in a Catholic school--parents, pastors, teachers, administrators, and students--must earnestly desire to make it a community of faith which is indeed living, conscious, and active" (To Teach As Jesus Did, #106). Like other agencies in the Catholic school, teachers' organizations need faith community as part of its own philosophy, concerns, and manner of operation. Questions like these should be answered: How is our organization related to the school as a community of faith? What contributions can we, as an integral component of the community of faith, make to the larger community of faith which is the school, the parish, the diocese? How do we promote the good of teachers as members of this community of faith? Answers to these questions depend upon specific circumstances, as will the development of further needed questions examining the relationship of teacher organizations to the concept and living of faith community.

Because "faith community" is basically founded on "relationships" (to God and to each other), an examination of relationships is of primary importance. The school as a community of faith develops as relationships develop. The relationships of faculty and students, staff and parents, local administrator and faculty, individual faculty members to each other, school staff and diocesan office staff--all these are the basis on which the school as a community of faith is formed and developed. A teachers' organization, therefore, needs to (1) identify its relationships to others; (2) listen and speak to others who are part of those relationships; (3) work with others to agree on practical ways in which those relationships might be lived.

I would like briefly to refer to a recent effort in St. Louis in which the teachers, local and diocesan office administrators, and the St. Louis Archdiocesan Teachers Association (constituted July 1968) jointly developed a "We Believe" statement on the relationships we will try to have with each other in the archdiocesan high schools. A committee of teachers, administrators, and SLATA representatives worked a year in creating the statement. Each of the archdiocesan high schools has identified several practical actions which will be its individual response to the "We Believe" statement. These will be shared from school to school. The officers of SLATA, and the diocesan office staff working with the high schools, have also identified specific actions which will be their response as agencies to the "We Believe" statement. They also will be published to the schools. The statement and its subsequent pledges are no panacea, to be sure, but they certainly give a positive mutual focus to the fundamental importance of relationships among us.

Suggested Actions

Begin with principles, not models. The very first need of a teachers' organization is to identify its philosophy, goals and objectives as an agency related to the uniqueness of the Catholic school. Only afterwards should it create or adopt that specific model of organization which best gives the structural underpinning to its previously developed rationale. The danger is one of immediately entering into a consideration of "models" for teacher organizations without having first identified the philosophy, goals and objectives by which the organization will be guided.

In recognition of the school as a faith community, teachers who are considering an organization should consult with other members of the faith community. Whether or not to have an organization and what type it might be are decisions properly made by teachers. Before those decisions, it is well to talk not only to teachers who are likely to join the organization, but also to teachers who may choose not to join. Administrators, board members, parents, members of the diocesan office staff and others might also be helpful when consulted. Such a process can create an atmosphere which will make the time it takes worthwhile.

Existing teacher organizations, like the Catholic schools themselves, should reexamine their philosophy, goals and objectives in light of the bishops' pastoral "To Teach As Jesus Did." The NCEA provided a fine service to Catholic education by publishing "Giving Form To the Vision," a guide by which various agencies in Catholic education could constructively evaluate themselves in light of the principles of the pastoral. An instrument of self-evaluation for teachers' organizations similar to the instruments in "Giving Form To The Vision" would be helpful.

Promote trust. As unnecessary as saying this sounds, it is important. It would be naive not to think there are a handful of rascals among Catholic school teachers and administrators. It would be uninformed not to believe that the vast majority are dedicated men and women personally committed to giving their lives and talents to Catholic education. Promoting a spirit of trust provides the environment for the relationships spoken of previously.

Diocesan school offices are the agencies for helping teachers and everyone else in the school's community of faith examine the issues related to teacher organizations, formal and informal. The diocesan office should help people examine the principles identified in the previous section of this paper and, with teachers and administrators, identify other principles applicable to local needs and situations. Diocesan offices should support the legitimate wishes of teachers. A diocesan office may be required in conscience to oppose a particular organization of teachers because it does not incorporate into its philosophy, goals and objectives the principles which flow from the unique character of the Catholic school. That would surely be a rare exception. And before it would arrive at its stance of opposition, the office would have to examine itself to see if indeed it had properly assisted everyone in examining the issues in the first place. The assumption is that part of the role of the diocesan office is to work for the teachers.

Summary

To have an organization is the teachers' decision, as is the decision on what type it should be. Not to have an organization is also the teachers' decision. A teachers' organization is a relative good, not an absolute good. It is relative to the differing sets of circumstances in various schools and dioceses. Formal or informal, independent or affiliated, all our teacher organizations must be based on the uniqueness of the Catholic school, the concept of faith community, and the need to identify and uniquely develop relationships in that community. We need to proceed thoughtfully and carefully, not only because of our lack of experience, but also because of the magnitude of the values involved. Personally, the only fear I have is of that person who seems to have all the answers about teacher organizations in Catholic schools, especially at a time when, as I said before, we are still involved in the task of identifying some of the fundamental questions.

RELIGIOUS AND CATHOLIC TEACHER UNIONS

John J. Augenstein

Introduction

From my reading of news articles and other informational materials, it appears as though the Diocese of Youngstown is either the only diocese or one of very few which has religious membership in a Catholic teachers' organization or a union. Our position was achieved by design--not by accident. Such a position, however, still poses several unanswered questions.

For this symposium, four points under the heading, Religious and Catholic Teacher Unions, will be addressed. They are:

Brief History of Teacher Organization in the Diocese of Youngstown;

Ohio's Financial Agreements with Religious Communities;

The Place of Religious in Catholic Teachers' Organization in the Diocese of Youngstown;

Questions or Problems Posed by Religious Involvement in Teacher Organizations.

Brief History of Teacher Organization In the Diocese of Youngstown

In 1970, Bishop Hughes, then Superintendent, gathered a number of elected teachers from each of the six diocesan high schools and encouraged them to organize for the purposes of collective bargaining. His primary purpose in such an act was to establish a positive relationship with teachers in an organized setting because so often organizations are formed as a result of problems and thus, begin and continue in a negative tone.

The group that ultimately emerged was formed on the basis of each local building unit. The officers of each building unit gathered together and formed the confederation which then elected confederate officers.

One of Bishop Hughes' strong points to the organizing group was that there should be a place in the organization for all components of the teaching Christian community, namely, clergy, religious, and lay. He realized that in negotiations, when lay teachers' salaries were the subject, it would not affect the other two groups. However, other concerns of teachers, such as class size, preparation time, etc., affected all and he did not want a division created by an organization. Thus, the confederation would represent the lay teachers for their salary and benefits, but all teachers for other areas of educational concern.

Ohio's Financial Agreements with Religious Communities

In order to better understand the position of religious with relationship to teacher organizations in the Diocese of Youngstown, it is also necessary to know the financial agreements, particularly with communities of religious women in the six dioceses of Ohio.

In 1968, a committee of the six diocesan superintendents and representatives of the communities of women religious staffing schools in Ohio, met with the concurrence of Ohio's bishops. The purpose of the committee was to establish a uniform stipend for religious teaching in Ohio and equal fringe benefits, principally, hospitalization and major medical insurance coverage. The committee's work that year was concluded with a joint meeting of all of Ohio's bishops and the major superiors or their representatives of all communities teaching in Ohio. The bishops voted at that meeting to accept the committee's recommendation on stipend and fringe benefits. The following year a similar committee met and discussed the superior's concern for retirement and established a uniform retirement amount per sister which at that time was $200 per sister per year. This money was to be paid by the diocese or institution or parish, directly to the religious community once each year. Since that time, the amount has increased to $500 per sister per year. The intent of that work was to provide for the retirement of the active religious.

The committee participants from 1968 to 1974 as was noted, were diocesan superintendents and representatives of the religious communities. In 1975, the bishops and major superiors agreed to expand the composition of the committee. The new committee now has broader representation of the religious communities, as well as representatives of the vicars for religious, directors of religious education, pastors, vicars for finance.

The areas presently covered in the agreement include stipend, hospitalization, major medical insurance, retirement for presently active religious, transportation, housing, and a plan to be worked on at each diocese for past retirement.

The process required for each agreement is this: first, the bishops and major superiors establish a committee, co-chaired by one of the bishops and one major superior, the committee meets and works and then reports back to the bishops. The bishops accept or reject the proposal--presuming acceptance, the bishops inform their pastors and administrators--major superiors inform other superiors. The agreement is implemented. This entire process is accomplished under the auspices of the Catholic Conference of Ohio, without whose initiative,support and cooperation it would not have been possible.

The Place of Religious in Catholic Teachers' Organization in the Diocese of Youngstown

Since its inception in 1970, religious have been members of the secondary teachers' organization. As was indicated earlier, the

confederation had three parts--one for clergy, one for religious, and one for lay. The position of religious has been clearly enunciated in the basic contracts between the Diocesan Board of Education and Diocesan Confederation of Secondary Teachers since 1973. Such contract states: "the Diocesan Board of Education recognizes the Diocesan Confederation of Secondary Teachers as the sole collective bargaining representative of all certified personnel employed in the diocesan high schools for the purpose of negotiations on matters of mutual concern including the base salary agreement for the duration of this agreement. The confederation shall not be the bargaining agent for priests and religious in the diocesan high schools with regard to their base salary. Excluded from this agreement in its entirety are all administrators and supervisory personnel." Although clergy and religious were eligible for membership in the confederation, not all chose to participate.

In the fall of 1975, high school teachers voted to affiliate with AFT. Some religious and clergy continue to be members of the confederation. However, a major hinderance to their membership now is the dues charged. Nevertheless, it has not been the position of the Diocese of Youngstown to encourage or discourage clergy and religious from seeking membership in the teachers' organization.

Questions or Problems Posed by Religious Involvement in Teacher Organizations

When teachers organize and begin to bargain collectively, a normal product is a written agreement, usually referred to as a basic contract. Presuming such a contract is negotiated, how can such contract issues apart from lay teachers' salary and fringe benefits not affect all teachers? The Diocese of Youngstown contract and others which have been reviewed cover such items as class size, personnel records, preparation time, number of preparations, in-service meetings, clerical duties, extra-curricular duties and pay, absentee replacement among others. If such a contract affects only lay teachers, it would appear that the building administrator's job is even more difficult because that person would have one set of procedures for lay teachers and a different set for clergy and religious. Religious and clergy may not be satisfied with such an arrangement.

A question which must yet be resolved concerns the replacement of a lay teacher by a religious, because of additional religious provided by the community or an unparalleled replacement of a religious, for example: a sister in English is replaced by a sister in social studies. Lay teachers in organizations are concerned about job security. Thus, a problem is posed for an administrator who had seven religious last year and seven this year, but not in the same teaching fields. Does the administrator not renew the contract of a lay teacher? Refuse to accept a religious who is not an equal replacement for the previous one? Or create a new job for the new religious?

What involvement if any does a union have in religious' assignments or removals when religious are members of that union? Traditionally, there

has been an arrangement or agreement between the bishop or pastor and the religious community relative to the presence of religious in a particular institution. The religious community assumes the responsibility of assignment of its members to its various missions. What involvement does a union have with a religious member whom a diocese and/or institution wish to have removed? Normally, such action was taken with the involvement of the community, the religious, and the diocese or institution. In the same vein, how does all of this assignement and removal affect religious who are on open contract and somewhat more independent? Continuing in that same general area, what due process is provided for religious? If a grievance procedure exists, either by board of education action or agreement in the basic contract, how does such procedure affect religious or clergy.

In another equally delicate area, what is the position of religious or clergy during a teacher study day or a strike? On April 28, 1974, high school teachers in the Diocese of Youngstown took a study day. The diocese informed the religious and clergy through their own members of the issues and indicated that each religious or clergy would have to make an individual decision concerning his/her participation or nonparticipation in the study day.

Finally, in late August, a new partner became involved in the subject of religious and unions, namely, the National Labor Relations Board. A religious community has been ordered to be included in the collective bargaining unit at D'Youville College, Buffalo, New York. Such a decision will set a precedent for other areas in the country and probably for elementary and secondary schools as well.

Conclusion

This paper has addressed in brief three areas, namely, the history of teacher organizations of the Diocese of Youngstown; financial agreements for religious in Ohio; the place of religious in teacher organizations; and in the fourth area posed some of the questions and problems which confront administrators and teachers. As the schools progress through the next three to five years, other questions and problems will be posed. Some of the ones that have been presented here will be resolved.

Religious and clergy are an integral part of the total school staff. It seems inconsistent that those persons would be guided by procedures and regulations different from the lay staff. The questions and problems posed by religious participation in teacher organizations will be resolved by intelligent fair Christians, be they administrators, teachers, superiors, or bishops working through them collectively.

LIFE STYLE AND TENURE PROBLEMS

Brother Medard Shea, C.F.X.

After considerable consideration covering a wide range of ideas and concepts, I came to the conclusion that Life Style was to encompass just what has developed in this area in Catholic education over the past decade or so and what it means today. Meaning a review of that topic from the point of view of changes in Catholic schools and what they mean to us. Tenure is a bit trickier, since it has so many meanings to so many people and has been the target of endless articles in educational circles in recent years. Since this talk is for our mutual benefit, I would aim to share experiences in an informal exchange.

Just look at our Catholic schools today as compared with ten or more years ago. From a system of schools which was completely religious oriented, with more than 90% of its teachers from religious communities, it has changed to a system of education with more than 60% of its teaching staff made up of lay teachers. Whereas a few years ago much discussion on administrative levels was about the demise of Catholic schools, the present trend is to consider strongly the survival of Catholic schools, mainly because we have brought parents into the picture and they want these schools to continue.

Up to the early sixties we had a pattern of principal-superiors as chief administrators of individual Catholic schools. The line of administration was based on the traditions and patterns of religious dedication. Where they existed, charters and boards of trustees were made up entirely of religious membership and their operations were based on the educational principles of the religious community. Boards of trustees were to all intents and purposes a mere formality to satisfy state regulations.

Today, briefly the positions of superior and principal are mostly separate. However, just as the superior's role is much changed in the religious life, so is the role of the principal in the school. It has become a position of a very demanding nature. The ordinary paper work has reached monumental proportion as our schools have become more professional on the one hand, and as state educational agencies, plus federal agencies, have put more and more demands upon principals in school operation.

The greatest change, however, has come about in staffing. The sharp losses in religious life have led to an overwhelming growth in lay staffing in almost every Catholic school. Around 1970 the number of lay teachers surpassed the number of religious in Catholic classrooms for the first time. This proportion is growing greater every year, both from the dearth of vocations, the retirement of religious due to age, and the seeking of other Christian works outside the classroom.

In the face of this great change in staffing we are still facing to a great extent an administrative pattern that is still somewhat geared to religious-staffed schools. The traditional pattern of operation of many religious orders still influence the patterns of day-by-day administration in Catholic schools. In many cases this is all for the best. In others, it is close to disastrous, as administrators fail to move up to the era of the lay-oriented school. There is an awareness that change has taken place, but habits (if I may use that word) of decades of religious administration are difficult to change.

As an example of a staffing pattern I am familiar with, approximately 35 percent of the 5,000 or so teachers in both elementary and secondary schools are religious teachers; the remaining 65 percent are lay teachers. Yet, well over 90 percent of the school administrators are religious. Now this is not a catastrophic situation of necessity, since these administrators are well educated, more experienced, and have served and are serving well in these schools. There are simply not enough qualified lay personnel to take over these positions at this time, nor are there sufficient openings for those lay teachers who are qualified and capable. But these figures give us a strong indication of the current flow of the future of Catholic education.

This overwhelming control by religious administrators applies as well to diocesan schools offices. Good lay administrators are coming to the fore on this level, but not in numbers equal to lay representation on our teaching staffs.

Two thoughts come to mind here. One, that the distinction between lay and religious teachers is nowhere as sharp as it used to be, and that both groups work side by side--almost indistinguishable--particularly where dress no longer distinguishes one from the other. And two, changes in life style of many religious communities with personal selection and individual contracting further blurs any great distinctions.

The common link we are striving for today is to be found in the pastoral, To Teach As Jesus Did, the current guideline of Catholic education. In this pastoral can be found the way, if not the answer, to where we are headed in Catholic education in the face of the change in life styles as far as teachers and school programs are concerned.

This is a brief overview of life styles in Catholic education today. One area can be added--Catholic schools offices in each diocese. Not too many years ago, most school offices consisted of a superintendent and one or two other employees and the operation was of a very general nature, largely ceremonial. Today, Catholic schools offices follow closely the pattern, if not the control, of their public school counterparts, with large staffs and great deal of activity in all areas of education--much of which was formerly handled by the individual religious communities. As an example, the supervision of schools was always handled by community supervisors. To a great extent this is the process of change, as communities no longer control individual schools, nor even have a majority of staff members. The need for broader supervisory operations which can be provided only

through the direction of diocesan offices is becoming more evident every day both for the benefit of growth in Catholic education and for the teachers themselves.

One more item on the change in life styles for religious today in view of collective bargaining developments and the National Labor Relations Board becoming involved with our schools. This is a current development and is still a hot issue.

The basic issue is whether or not religious can or should join a teacher organization (union). I would first make the distinction that the religious staff members should have a vote as to whether or not the school staff joins a union, since a union will call the shots for the entire staff directly through its control of all lay staff operations. Since religious staffers are becoming fewer and fewer in number, their clout will also lessen, making it all the more important that they have a say in what is going to happen to the school in which they are teaching.

Second, I would give the religious staff the right to join or not to join a union, just as lay staffers can, at least for now. First, the right to vote as to a union; second, the right to join or not.

This is a change in my thinking as I see religious brought into hearings and court by unions as fully responsible people, but denied the fundamental right to vote as to whether or not they (religious) shall be part of a union-dominated operation.

I also question the rights of the NLRB or courts to use the clerical life-style as grounds for denying them equal rights with lay teachers who carry out the same functions in the school operation. It seems to me that the right to choose a life-style, to take certain vows, and so forth, is no more the business of the court than the private married or unmarried life-style of lay teachers. With Human Rights Commissions setting all kinds of ground rules, religious personnel should have rights of privacy also.

I also see a possible conflict in the role of the religious in union membership, since union leadership has such complete control that a conflict of interest might surely arise. I find the dedication of union leadership as strong as, even stronger, than their religious commitment, in fact, a form of very strong commitment, almost religious in nature.

From this position I might now move to more of the lay life-style problem that can and does exist in Catholic schools today, with some indications as to how they can be handled. Let me combine this issue with my discussion of tenure problems.

To work my way from the previous rundown on life style--mostly of religious--to the area of tenure is quite a trick, but I'll try it. First, what is tenure? One definition which is as good as a dozen others is as follows: "Tenure is the assurance given teachers who are properly qualified and certified that their continuing contract of employment shall remain in effect so long as their service remains satisfactory and that there will

be a proper procedure followed in all cases before a tenured teacher may be discharged."

Please note the emphasis on "discharge." This is the nub of tenure in all forms and definitions--job security. Among many lay teachers there still remains a fear that religious administrators, particularly when they are changed frequently, will have no regard for their years of service and will haphazardly discharge them without just cause and proper procedure.

A particular issue that stems from this is the issue of the Catholicity of Catholic schools teachers as related to their life style. Obviously, we do not have the staff of dedicated Catholic women--pillars of the Rosary Society--who served so generously years ago--as the bulk of current lay staffs. Now, the majority of younger lay staffers are dedicated, we hope, well educated and very much of the current era in life style. In dress, manners, and attitude they differ from the former mold.

In some cases they present a threat to older established (ment) principals. In turn, these teachers feel threatened and seek job security, particularly in the current, glutted teacher market.

Problems of life style such as, abortions, divorce, bad marriages, and like more problems cause serious concern as to just how they can be handled. Some teachers are admitted agnostics. The question is just what action can and should be taken when there is public, known violation of the laws of the Church and there are written requirements to abide by these laws in the contract agreement. Parental pressures for prompt, firm action can be very strong on these religious issues. The key words are public actions and written requirements.

So much for that issue. Tenure protection really means job security. As a policy it is under fire in public school systems by school boards, while it is most dear to teacher unions.

In a sense, good teachers couldn't care less about tenure. It is the poor, incompetent teacher who is most protected by tenure. And this situation is the nub of an administrator's problem. How to conform to tenure requirements for the teacher, while protecting the proper education of the student.

Fundamentally, there is an absolute need for good personnel practices in regard to tenure, due process, and grievance procedure. These are the main elements in tenure problems when they arise.

This is a broad area--personnel practices. Tenure is just one, important facet of the whole. If there is one word and practice I would stress in personnel practices regarding any teacher, whether or not tenure exists, it is "put it in writing."

First, develop a set of personnel practices with stress on the teacher's, not the administrator's point of view. Give these to the teachers in writing, in printing, engraved in stone! Then, follow these practices.

Second, put supervisory, evaluation notes, warnings, and recommendations in writing. Summarize important conversations with a teacher whether of praise or correction.

It is a fact of life that no teacher will ever admit being properly nonrenewed or terminated. However, good documentation and due process are positive safeguards for every administrator.

If there is none or insufficient documentation, there are insufficient grounds for termination. The saddest words I ever hear are those of a principal saying, "I warned the teacher a half dozen times to improve or be terminated." Great, but then comes the killing follow-up statement, "No, I didn't think it necessary to put these warnings in writing." Welcome back, Kotter!

As a final note, I would say that where Catholic schools still treat teachers in the 19th century mold, maybe teacher unions are the only answer. On the other hand, the answer is simply that Catholic school administrators have to be leaders in the field of social justice, in an enlightened effort to treat teachers as co-workers in the enormous task of Catholic education. The disastrous errors and mistakes made in the name of charity and social justice, and yea, even righteousness in some Catholic schools, cry for resolution.

LIFE STYLES IN UNIONIZED CATHOLIC SCHOOLS

Brother Matthew Burke, C.F.X.

In a 1974 National Catholic Educational Association publication, Negotiations in Catholic Schools, the author of one of the articles described what today may well be considered by many to be a classic understatement, namely, that the establishment of teacher unions in a school, parish or diocese creates a whole new world in Catholic schooling. For those who must treat with unions as bargaining agents for teaching faculties, a new world has indeed been created, and one which, among other things, has radically altered Catholic school life styles, particularly as these relate to and have a bearing on the working relationships within Catholic schools. What is needed at this time is a critical evaluation of the nature and extent of the impact of unionism on the life styles in Catholic schools, especially at a point in time when pastoral concerns that the Catholic schools become genuine communities of faith are so pronounced.

Candor suggests an initial admission that a negative bias has colored this particular treatment of the effects of unionism on the life styles in Catholic schools. A lack of objectivity is based on eight years of administrative experience in dealing with the results of teacher organizations that ran the gamut from a professional association to the very best trade-unionism the American Federation of Teachers has had to offer.

As part of a multi-school unit within a diocesan structure, the school in question at one time boasted proudly of the existence of a concerned, mutually trusting school community; where teacher concerns, both religious and lay, were successfully considered within the framework of professional association organizations. With the advent of the choice of A.F.T. affiliation to replace the inhouse associations and the many unpleasant events that occurred since that time, my most recent and vivid recollections of this same school (as others within the system) have been those of a school hopelessly divided perhaps irreparably, the result of a devastating teacher strike and an equally devastating aftermath. While not suggesting any universal applicability to all Catholic schools and school systems, it is hoped that a discussion of what had occurred in one school system may provide a caution if not a direction that other Catholic schools may consider pursuing as they approach the topic of teacher bargaining processes under union auspices and the effect these processes may have on the life style within Catholic schools.

In reviewing briefly the initial presence of unionism in Catholic schools, it can be said that a great deal of the impetus for growth came from the Catholic schools themselves. Cognizant of papal exhortations that "workers have a right to organize if they saw the need to do so," some Catholic schools assumed a posture historically characteristic of the Catholic Church: to demonstrate a genuine concern for the protection

of the worker through self-determined organizational choices, if such be deemed necessary. Whether or not the teacher organizations that have emerged and the practices they have engaged in truly "promote a Christian order in the world of the worker," especially in terms of conditions existent in some schools forced to deal with union-affiliated collective bargaining units, is a question well worth considering. It is perhaps possible that an overly zealous promotion of teacher unionism, particularly of the trade-union type, has distracted schools and school systems from providing an equally zealous concern that this growth consistently reflect the philosophical aims and objectives of the Christian school community. It is further possible that a greater effort be expended in the development of alternative structures of faculty representation that includes all members of a teaching faculty and more realistically reflects the uniqueness as well as the limitations of the Catholic school systems.

What must be recognized is that unionized collective bargaining which assumes the proportions of the labor-management model of industry is, by nature, an adversative process. In such cases, an atmosphere is created wherein various segments of the school population become inevitably pitted against each other in an attempt to make gains in or control aspects of the school contract. Often the settlement of a contract within such a competitive situation becomes nothing more than a temporary list of concessions, a phased withdrawal, so to speak, by school administrators from the field of contention. The ultimate goal of the union through these processes begins to become unmistakably clear: the greatest control of the schools as possible through the contract with seemingly little concern about the long-range effects on the school or the union's own accountability in such eventualities.

Negotiating processes of this nature make tremendous emotional demands on the participants. Many of the union participants anxious to maintain control over the teaching units through attractive contract gains appear at times to be prepared to abandon any loyal attachments to a particular school and to jeopardize the school's very existence should such be necessary to achieve a series of goals assumed to be in the interests of the teachers so represented. There is little doubt that the time has passed when laymen are reluctant to display whatever militancy is necessary, and then some, in order to articulate dissatisfaction. In some school systems local union leaders can readily be described as quite comfortable in dealing acrimoniously with representatives of institutional Church. Often the products of Catholic school systems, in some cases former priests, religious and seminarians, these union negotiators frequently manifest overt hostilities toward representatives of the Church suggestive of a deep-rooted moral and religious alienation that goes well beyond any contract dispute and seems to rival even the most abrasive union-public school Board of Education confrontations.

Taken as settlements within the context of adversative negotiations, it should not be surprising that resultant changes in tenure and life style might well go beyond what is considered in the best interest of schools dedicated to the development of a genuine faith community. A brief review of possible changes may add some substance to this concern.

In general, it can be said that most contract settlements result in provisions that alter tenure and life style aspects of the school, usually to the advantage of the faculties represented by the local union. In most cases, the members of religious orders staffing these schools are excluded, at least officially, from the decision-making process, though these religious must work under the same conditions of employment as the lay teacher. Considered by some as special wards of Holy Mother Church, the teaching religious are left the option of settling for the union successes, maintaining profiles of silent acceptance, or organizing themselves for contract advantages. That this policy of exclusion of religious teachers from membership and participation in local faculty organization, if this is desired, may well constitute a violation of equal protection of the law because of religious views or life styles is of no concern to some unions, such as the American Federation of Teachers.

In dealing with local unions, administrators must be prepared to accept the fact that anything in the life of the school is potentially a negotiable item. While salary and fringe benefits have formerly been a major preoccupation, the realization on the part of some union negotiators that unlimited financial resources in diocesan coffers is no longer a tenable belief has led to pronounced incursions into the areas of governance and administrative practices with the good of the school or school system not necessarily uppermost in minds. Before too long, what becomes apparent is the need for the union simply to maintain a powerful, albeit overbalanced influence in the administration of the school. The end result, unfortunately, can be the nurturing of an atmosphere of formality, bereft of any acceptable degree of spontaneity, where a rule seems to exist for every possible contingency.

Union forays into the administrative practices of the school frequently take on the form of umbrella provisions affecting the working conditions in a school. Such working condition successes tend to seek the establishment of clear-cut absolutes in a variety of areas such as, class size, the number of class preparations, regulations for free time, teaching and administrative periods, attendance at faculty meetings and parent meetings, extracurricular involvements and stipends, teacher substitutions, and the formulation of the yearly calendar, especially insofar as calendar dates affect the limits of the school year and the selection of school holidays. As a legal document, alterations in contract provisions, regardless of the circumstances, can and most frequently do become the subject of grievance procedures, a process as costly in time as in money. As administrators, it is not difficult to foresee that such a bureaucratic, formalized approach to the handling of aspects of school life that demand a certain degree of flexibility would produce damaging results to the school. Yet some life style alterations have occurred in some of the unionized Catholic schools.

Although working conditions can and do become the subjects of established grievance procedures, administrators familiar with union operations are more conversant with the top priority unions apply to the area of teacher dismissals and terminations. Once a union has become firmly entrenched in a school, teacher dismissals and terminations, even involving those not covered by tenure provisions, become the subjects of

intense union scrutiny. More often than not, the presumption is that the teacher has been wrongly treated by management and that the administrative decision was unwarranted and capricious.

That teachers have, in the past and in many respects, been rather shabbily treated especially in terms of their professional rights in questions of dismissal and termination, cannot be overlooked. Under existing formalities seemingly designed to protect all teachers, the productive as well as the incompetent, it has become next to impossible to document, to the union's satisfaction, a case in favor of dismissal when just cause must encompass the precise definition of immorality, incompetence or insubordination. How, for instance, can "incompetence" be defined whereby both union and management can agree so as to obviate a drawn-out grievance procedure? How can administrators deal with teachers who very subtly but effectively undermine the Christian atmosphere prescriptions of the school, but whose actions consistently escape that final arbiter of all disputes--the teacher file? How can a termination or dismissal case be sensibly processed when even the most serious professional shortcomings are intentionally misconstrued by the teacher, the union leaders and the National Labor Relations Board as an anti-union bias? How are Catholic schools to maintain control over the religious education in the school when incompetent and unorthodox teachers of religion can be reinstated by N.L.R.B. fiat because of some alleged violation of union rights?

Gains in adversative collective bargaining have, in many instances, generated patterns of life style that seem to run counter to the prevailing mood among Catholic educators serious about the reconstruction of Catholic schools in conformity with the spirit of the bishops' pastorals. The patterns that appear developing view the standardization and bureaucratization of policies as the proper mechanism for guaranteeing the protection of the rights of individual groups of teachers. Where a bureaucracy is strengthened, spontaneity and generousity in working relationships is diminished. Within this bureaucratic setting, the weak, the unenthusiastic, the lazy as well as the most productive of teachers are assured of equal protection provided, of course, that union membership and active support for the union continues to perdure.

With respect to the spirit of dedication and mutual support that are anticipated to characterize a truly Christian school, there is increasing concern that collective bargaining under union auspices, if left unrestrained, will encourage a decline in dedication and in the spirit of contributed services and a diminution in the spirit of voluntarism, generousity and mutual trust between faculties and school administrations. Present day developments lead one to believe that it is no mere fantasy to speculate that demonstrations of dedication and hard work beyond what is absolutely stipulated in contract provisions may eventually come to be viewed as a threat to union control and to the conformity demanded of all loyal union members.

As a consequence, administrators in unionized schools may be faced with the added burden of administering schools where a loss of respect, both personal and professional, creates an atmosphere conducive to the

pursuit of "causes" and instances of persecution vis-a-vis school administrators. Failure of the union to realize goals energetically promoted among faculties often serves as a weapon to justify and encourage further antagonism toward the administration and school governors. Such a contentious atmosphere adversely affects the Christian life styles of a school and invariably becomes sources of scandal to both parents and students. Further, the humanization of the school based on mutual trust, concern and support, under these circumstances, becomes an exercise in futility: the inconsistencies and contradictions involved are too apparent to be overlooked.

In schools where teacher strikes are successfully concluded (all union strikes seem to conclude successfully), life styles, in terms of relationships almost invariably take a turn for the worst. Faculty members, formerly of more moderate propensities with respect to contract expectations that consider the good of the school and school system as well as the unionized teacher, become increasingly more militant. Local union leaders tend to harden in their militancy, prefering to handle any dealings with the school administration in only the most formalized and legalistic of fashions. Members of the faculty who may have, in conscience, not supported a strike effort become the targets of intense reprisals, intense disdain and even hatred. In addition, union outsiders, unknown and unaccountable to the school or its well being, often unappreciative of its spirit, and even philosophically hostile to its continued existence, begin to acquire influence over the destiny of the school.

This treatment of life styles in unionized Catholic schools has intentionally been a negative and pessimistic one. Indeed, objectivity becomes next to impossible after having experienced the working of one particular union under what may be worst of circumstances. Dialogue would be welcomed from any representative of any school or school system who, after dealing with a union in the formulation of contracts and after having suffered the disastrous effects of a teacher strike can view such experiences and the consequent effects on life style working relationships as health inducements to the furtherance of Christian community in Catholic schools.

The indisputable right of teachers to organize has undoubtedly resulted in the recognition of the lay teachers in Catholic schools as important partners in the life of these schools. While these teacher groups have contributed significantly to the removal of previously existing inequities, perhaps it is a timely pursuit to study and ascertain to what extent other injustices have emerged as a result of contract settlements that continue to favor the demands of one segment of the school population to the exclusion of others. It has been suggested that support be given to the promotion of more collegial structures of organization that take into account the needs of the entire school population and the exigencies of local schools. If Catholic schools are as unique as they claim to be, then unique solutions must be found and implemented that will properly handle the legitimate concerns of the entire faculty through an ongoing review of the decision-making processes affecting school policies and practices. The establishment of a genuine Christian community and the development of life styles proper and peculiar to Catholic schools cannot

be effectively handled if the only legitimate means chosen for the presenting of a realistic and accurate picture of teacher concerns is that of the classical, trade-union, adversative type if teacher organization.

FAITH COMMUNITY EFFECTS

John T. Cicco

A Community of Faith is a concept which has a special importance and relevance to the Church. In my opinion, this Community of Faith means that a group of people who have a common faith are working toward a common goal.

The faith consists of the religious teachings of the Church. The goal in this Community of Faith is spreading knowledge of these truths in the life of man as it is illuminated by this faith.

One of the primary purposes of a Catholic school is to promote this Community of Faith, whereby everyone who is involved in the school has a common goal, common purpose, and a common faith.

This means that everyone involved--pastors, school administrators, teachers, and students must work together in a common bond toward a common objective. This provides a whole community of life which is developed in this context of people working together to help each other.

Since one of the objectives of a Catholic school is to develop this Community of Faith, I suggest we look at the structure of a Catholic school. The school is operated with minimal tuition and the voluntary donations of people in the faith community. It is very important that tuition be kept at a minimum. These schools were primarily instituted to teach all Catholic children whose parents believe that religion cannot be divorced from the education process. Therefore, the students of these schools are of diverse economic backgrounds, which means that we must provide for the attendance of poor children. To do otherwise, would create a school system which could serve only upper middle class and affluent people. Obviously, this was not the objective of the Church when Catholic schools were instituted.

The one element necessary to operate schools with this background and with these objectives is sacrifice. This sacrifice has been evident from the very inception of Catholic schools. The sacrifice of religious, lay teachers, parents, and the general Catholic community has made it possible to continue Catholic schools to date. Teaching in these schools, then, is a definite spiritual apostolate.

In order to alleviate the financial situation in Catholic schools, leaders of the Church and the Catholic school system have tried desperately for years to obtain some form of subsidy from the state and federal governments for the academic portion of the school program. I need not waste time here today to remind you of the results of those efforts. Nevertheless, state, federal subsidies or not, the real need for these schools has not changed. Perhaps they are needed more today than ever before. I think many people will agree that one of the ills of today's society is a

development of a philosophy of secularism and materialism. Therefore, the continuance of Catholic schools is essential to the Cathlic Church and, in fact, the entire community, if proper values are to be retained.

The reason unions were instituted was that wage earners, bread winners, would obtain humane working conditions, and also that the workers would receive a fair wage. In most instances, unions dealing with business and industry base their wage demands on the profit or loss of that particular business or industry. Obviously, there is no profit in operating schools. All increased costs, for the most part, are being met today by increased tuition. This increased tuition denies many children the opportunity to attend Catholic schools. Secular values are emphasized and must be emphasized in any union. In a faith community, secular values are secondary to the goals of that Community of Faith. Labor unions, because of the influence of the parent union which is, in most instances, a distance away from the local situation, very often fail to recognize the local problems. This affects the goals and objectives of the labor union. For example, there are instances where labor unions have tried to dilute the authority of the Ordinary. In my opinion, the Ordinary, as the prime teacher in any diocese, must be closely involved and associated with the schools in that diocese. He cannot be written out by a labor agreement or union contract.

Since labor unions are accustomed to dealing with business and industry where, even though there are separate plants, the profit and loss statement applies to the company or the corporation, they presuppose that they can deal with an entire diocese as a bargaining unit. Those of us associated with the structure of the Catholic Church realize that each and every parish is an integral part in itself. As such, most parishes must be self-sufficient. We also know that the financial resources of parishes vary. Some are in debt. Some are just making it. Some have a reserve. This variance of resources makes bargaining for a common diocese wage scale almost impossible. The wage scale decided upon might be less than some parishes are able to pay. By the same token, the wage scale may be entirely too high for other parishes to pay and still remain in existence.

Another aspect of the labor union in the Catholic school situation is conflict of interest. The majority of members of the two leading teachers' unions, the AFT and the NEA, are public school teachers. Both of these organizations have displayed a concern for the public school teachers, even to the extent that they have opposed aid to nonpublic schools. The NEA has consistently opposed any form of aid to nonpublic schools. The president of the AFT recently joined other organizations contesting the participation of nonpublic school children in Title I of ESEA. I cannot feel that a group of people in a Community of Faith, as mentioned previously, would be comfortable and compatible with another group of people associated with organizations that have directly opposed aid to nonpublic schools. Of course, the usual response of unions to this problem is that the Catholic local is fighting for aid to nonpublic schools. This could be true. However, it is difficult to receive an answer from the local concerning the percentage of dues which goes to the parent union and which is used to help oppose aid to nonpublic schools.

Therefore, because of variances in objective and philosophies, I do not think labor unions are consistent with a Community of Faith as I understand it.

I do not wish to leave any impression that labor unions are not good and are necessary in business and industry. This is not to say that I oppose the existence of labor unions and that I do not recognize what they have done for the wage earner in today's society. However, I am convinced that the structured labor union should not consider the Catholic school system a fertile field of recruitment. If Catholic schools are considered to be in the same situation as business and industry by the labor unions, I can predict two results. One, the closing of many Catholic schools and those which remain to be schools for the elite.

However, I do think the Catholic schools have certain responsibilities and obligations to their lay teachers. First, I am presuming that a Community of Faith will provide for ideal working conditions--working in a friendly Christian atmosphere, input from teachers on local decisions, providing proper fringe benefits, recognition of seniority, opportunity for due process, and as much financial remuneration as the local parish can afford.

While I cannot accept a partnership of the Community of Faith and unionism, I do believe that each school could have a local teacher association. As a matter of fact, back in 1960, the Diocese of Pittsburgh established an association of secondary lay teachers. The goals and objectives and the philosophy of this association were in accordance with the goals and objectives and philosophies of Catholic schools. However, these associations have been branded by the teachers' unions as "sweetheart contracts," which emphasizes the noncompatibility of unions and a Community of Faith.

I also believe that it is the responsibility of bishops, school superintendents, pastors, principals, and all those associated with the administration of Catholic schools to be honest and forthright about our status. By that I mean that prospective teachers should be well informed of our financial limitations. I really believe that only those teachers who have limited financial responsibilities can afford to work in our schools. Therefore, our recruitment should be directed toward those people who wish to do something for the Church and are financially able to do so. I think it foolhardy to believe that a person supporting a family could afford to work in our schools or should work in our schools. I further believe that an open admission of this fact and an understanding with those people who can and wish to work in our schools is acceptable. I would compare this type of recruitment of young men and women for the religious life. These would be lay people who do not wish to make a life time commitment, but do feel that they have some obligation to their Church and are looking for an opportunity to fulfill that obligation.

I suggest we seriously consider deleting the word "wages" from our terminology and use some other term, such as, "stipend."

In order to assist the development of teacher organizations and at the same time reinforce a Community of Faith, I believe we should seriously consider getting people of the Church involved. I have been told, and I believe that the laity is an important segment of the structure of the Church. In our diocese, it has been mandated that each parish have an elected parish council. This council has been accepted as the official group to advise the pastor on all matters concerning the parish. I believe an action of this type is a giant step forward by the Church. It not only provides an opportunity for lay involvement and decision making in a parish, it is also a tremendous vehicle to demonstrate the actions of a faith community.

Therefore, I am going to suggest what I believe should be done to improve labor relations on the elementary level. To cope with the variance of resources available in parishes, and since the people being served should be involved, negotiations should be at the parish level. Then a vitally important group, hardly mentioned at this seminar--parents--could become more intimately involved.

I have come to the conclusion that the parish is where the action is. The parish is the employer. All loyalties, commitment, and community are at the parish level. I have not detected any loyalty to a diocese.

Does this concept negate a Catholic Schools Office? No, I believe it would be a more honest approach to our real structure. At least, it is the structure of our diocese. I submit that in many dioceses we have a system of schools instead of a school system. I can live with that concept. As a matter of fact, in the Pittsburgh Diocese, every teacher is hired and fired locally on both the elementary and secondary levels. I, for one, do not believe that teachers should be assigned to schools from a central headquarters. The Schools Office would still be necessary. It would assure the Ordinary that state educational mandates are being met. It would provide teacher and principal training. It would coordinate government programs, and it would implement the educational philosophy of the Ordinary throughout the schools.

If my suggestion ever becomes reality, this faith community--laity of the parish--pastor--school administrators--teachers and parents could accomplish and achieve a faith community almost immediately if it does not already exist. I think it does exist in many instances. To develop this community beyond the parish takes time, and we may not have much time.

In conclusion, permit me to summarize my position. I agree that teachers have a right to organize and choose the type of organization they want to represent them. I'm apprehensive about the high tuition on the secondary level. We must make, at least, elementary education available to all children--to do less would negate the reason for Catholic schools.

I do not think a community of faith is compatible with either AFT or a state affiliate of NEA because of the uniqueness of the Catholic school. I think that the laity, especially the parents, must be more intimately involved in the faith community. I believe a faith community either exists or

could be easily established on the parish level. Finally, I think it time we admit that the basic structured unit of the Church is the parish and that we should extend the parishes the opportunity to negotiate with their teachers.

COLLECTIVE BARGAINING AND THE COMMUNITY OF FAITH IN CATHOLIC SCHOOLS

Anthony M. Cresswell

The purpose of these remarks is to discuss the question: Is collective bargaining compatible with a community of faith in Catholic schools? I will examine that question from different perspectives, break it down into components, and deal with the main issues which arise. It is necessary to examine that question carefully, to turn it, so to speak, and look at it from different directions. Just phrasing the questions in that way reflects some of the previous rhetoric about unions in Catholic schools. Much of that rhetoric has been anti-union in tone and can interfere with a careful analysis. It is, for example, just as important to ask the other half of the question: Is paternalistic or autocratic administration compatible with a community of faith in Catholic schools? If we agree that paternalism and autocratic controls are not compatible with the faith community, it could be that collective bargaining is a way to move away from that pattern of administration.

Having asked the question, I will argue for an answer; I will argue that collective bargaining is not only compatible with the concept of faith community, but may in fact be necessary. That argument rests on three points. First, a community of faith requires some mechanism for procedural justice, that is, a way to make fair decisions about the distribution of benefits in the community. Second, collective bargaining appears to be the best means we now have for setting just wages and working conditions in many work settings. That is, collective bargaining can be a means of procedural justice for workers in Catholic schools. Third, collective bargaining does produce dangers for the faith community. That is, there are abuses, there are misunderstandings, there are unnecessary hostilities and errors in fact and in judgment involved in collective bargaining. But these can be avoided or minimized. On balance, those dangers are less than the dangers of many of the alternatives that either have been discussed here or that one might think of as alternatives.

So let me then proceed with some assumptions about collective bargaining. First of all, I view it as a mixed political and economic phenomenon. It is not strictly economic, particularly in nonprofit organizations. It is not accurate to characterize wage determination as strictly an economic process. But this is not just true of Catholic schools; this is true of any public agency: a public school, municipal government, or the post office department. The fundamental dynamic of the bargaining relationship is a matter of power, the relative power of the two parties. The extent to which one party or the other exercises control depends on the specifics of the local situation and the development of the relationship over time. This power is best expressed, I think, in terms of costs, not costs in strictly dollar terms, but rather the costs of agreeing versus the cost of disagreeing. So that at any particular point in a labor relationship

the party that can agree at the lower cost is likely to be more agreeable. Where costs of agreement get higher, that is to say, where costs to the administration or costs to the workers get higher, then there's likely to be more disagreement. But that's the nature of the relationship. It can't be entered into without recognizing that it is a question of power. As such, it is not necessarily incompatible with a community of faith; I'll elaborate on that point later.

Secondly, the conflict per se is not a pathology. It is an unavoidable and often necessary component of human associations. There are different kinds of conflict, however, some of which are unnecessary. There is also real conflict where real differences of values, differences of objectives, and differences of opinion about the most appropriate means toward objectives which already exist. Feelings of warmth, of sharing in common religious principles, or all the other components of community faith that have been mentioned as we've gone along, don't remove those conflicts completely.

The third assumption is that, except in the most general and I would argue the least useful terms, there's no such thing as an industrial model of labor relations. Although that term has been bandied about quite often, I don't believe there is such a thing. There is, in fact, enormous variety in the way workers and managers relate to each other in industry and in other kinds of organizations. To say that there is such a thing as an "industrial model" with certain uniform characteristics is simplistic and misleading. There are some places, some industries under the NLRB where there is nothing but the most cordial and friendly cooperative working relationship between labor and management.

Now let me begin the argument by looking at the sources of conflict in school operation. If I say conflict is not pathological, if it is a necessary and unavoidable part of operating a school system, be it Catholic or non-Catholic, where does this conflict come from? The first and most obvious source is the scarce resources. There's never enough to go around, obviously. But where are the issues on the question of scarce resources? One critical issue is the relative proportions of labor and capital in the budget. That is to say, how much of the budget goes for salaries and how much goes to other things besides salaries, buildings, supplies, and so forth? Now let me ask you: Where in the literature of education or the teachings of the Church is there a standard by which one can determine what the proper or optimum mix of labor and capital is in the school system? Where's that standard? I don't know of any. I have never seen one. If there is one somewhere, I would dearly like to find it. I believe that none exists nor is one likely to. Therefore, if no such standard exists, then how are differences of opinions on the proper mix of labor and capital to be resolved? In the absence of a standard, there is no absolute number to look to for judgment. But somehow the questions must be answered. They're fundamental to the labor relationship.

There's another part of the resource allocation question, one that has come up several times today: What is the proper mix of Church expenditures on education versus the other missions of the Church--hospitals, direct aid to the poor, etc. Where is the standard in the teachings of the

Church, or anywhere else for that matter, that tells what the proper mix of those expenditures should be? Is that written down somewhere, is there a handbook or table? No, I don't think there is, nor is there likely to be. So there are two fundamentally important questions for which I would argue no substantive standard exists for making decisions.

So let us go on to some other sources of conflict. There is a divergence of interest, inevitably and naturally, in an organization where there are these hierarchical distinctions between workers and administrators. This is true in the Catholic schools as well as other kinds of organizations. We've talked about the community of faith as the model for the Church. In the little bit of Theology that I read, I find that there are alternative models of the Church. There are alternative ecclesiologies; the Church as community of faith is only one of them. The Church as an institution is another one; the Church as sacrament, the Church as servant, the Church as People of God are all dealt within some of the current literature. I don't find a case for any one of these models to be the dominant one or the only one. And I would argue that if you look at the way diocese and schools are organized, there are important components of the Church as an institution still part of the system. And where you have institutional structure, where you have hierarchical relationships, where you have more or less static authority patterns, there will be a divergence of interest between workers and administrators.

These divergences are necessary and inevitable; they have to do with the control of the institution. Teachers and other professional workers believe, and with some important justification, that they have a basis of knowlege upon which to make decisions of educational policy, legitimate decisions. Sometimes those decisions are not in the same direction that the administrators might like. Which is correct? Where both teachers and administrators are professionals, experts, there may be no apparent "best" course of action. Where disputes of this sort exist one must appeal either to authority or negotiations for some resolution. The community of faith idea, it seems to me, suggests that there should be negotiated or collegial kinds of decision making. Is that the way to characterize the way decisions are now made in Catholic schools? Maybe in some but I expect not all. Perhaps not even most. Appeals to authority are probably the dominant pattern.

Secondly, administrators have to evaluate workers. That's the way the system works. Whenever there is an evaluation, a judgment based on quality of performance, there will be a divergence of what are the proper criteria and methods of evaluation. This is a proper and necessary divergence, I would argue; one that cannot be avoided. The same divergence appears in questions of curriculum. How are these questions to be settled? Where in the literature of the Church is there a standard that says what part of evaluation and curriculum decisions ought to be made by teachers and what part ought to be made by administrators? Where do you find the substantive standard to draw that line? Take the question a step further to the problem of client participation in the schools. Where in the literature of education or of the Church do you find the standard that says how much parents or students are to be involved in curriculum or evaluation decisions? I would argue again that those standards do not exist, nor are they likely to.

A third point or a third divergence which exists, although this one is remediable, is that there often is arbitrary and capricious administration in the schools. Workers do have legitimate complaints in that regard. One of the motivations for workers to organize and to bargain collectively is to avoid arbitrary and capricious administration. Now to the extent that arbitrary and capricious administration can be removed without workers organizing, then unions aren't necessary. And again I leave it to you to judge or to produce the strategy which will remove arbitrary and capricious decision making without a union or some other form of power for workers. That, I would like to see, also.

A fourth and most difficult cause of divergence is the fundamental question of what is a just wage. Workers and administrators are not likely to agree on what the school can afford, on how much the worker should sacrifice for the sake of the community, or how much the work is truly worth. Again, I see no substantive standard for determining a just wage, either in the literature of economics, education, or the Church. Since this is a central issue of labor relations, it will receive more careful attention below.

Let us review questions I have described as the sources of conflict: Is there a substantive standard for a labor/capital mix? Is there a substantive standard for how much is to be spent on education versus other Church expenditures? Is there a substantive standard on how decisions are to be made and how power is to be distributed in a school, be it Catholic or otherwise? Is there a substantive standard for a just wage? If the answer is no to all of those questions, then we must ask? Where does justice come from? The social justice concerns of the Church have been mentioned time and again in this meeting. But I have yet to hear a means or standard by which they can be met.

If there is no substantive standard, then there must be a procedural one. That's where the notion of due process comes from, which is fundamental to many of the other procedures of the Church. That is what bargaining is about. I propose simply that collective bargaining is the best available mechanism for procedural justice for labor conflict. It is a procedure by which just answers to those questions can be determined. Without some mechanism of procedural justice, and in a situation where no substantive standards exist, there can be no just decisions except by luck. And that, it seems to me, is an unsatisfactory way to put together any kind of organization, especially a community of faith.

So let us examine this matter of procedural justice, then, to see how I can justify collective bargaining as an answer. Part of that justification, but only a small part of my remarks, comes directly out of the documents of the teachings of the Church: papal encyclicals, the documents of Vatican II, and the Pastoral Message on Catholic Education. There is substantial justification for bargaining as a mechanism of procedural justice in those documents. (I can provide you with some of the references if we have time.) However, many of you probably know those sources better than I do, so I will not dwell on them here.[1]

The second source of justification derives from the process of wage determination itself. How can wages be set in any kind of an organization? If it's strictly an economic organization, then economic theories of wage determination hold we should look at the productivity of the workers. Such measures are available in many organizations: in the auto industry, in the electrical industry, in the rubber industry, among others. Are those available in the Catholic schools? Obviously not. Since there is no index of production, there is no yardstick to hold up and judge whether the school or the teachers are more productive this year than before. So productivity or marginal value is not available as the standard of how much a worker should receive. Some have proposed need as the standard, but don't say how it is to be determined. Some have proposed individual sacrifice. But how are we to determine sacrifice? There is no standard there either.

All of these are elements in how workers set the price of their services. What standards, then, should apply as to how workers set the price of their services. That is where the most immediate and obvious conflict comes up. One logical extension of the idea of a faith community is that the worker should sacrifice income for the benefit of the rest of the community. Therefore, the worker should be ready and willing to accept lower wages than might otherwise be available in the interests of making those additional resources available for the good of the whole. It follows from that idea that if a union tells the workers to get as much as they can, then the union is incompatible with the community of faith. That's the kind of underlying logic I have heard many times here and elsewhere. We should examine that logic again more closely.

If the workers do not have an important voice in how much they're to be paid, then pay is determined unilaterally, usually by the administration. The direct consequence is that the worker does not freely decide what he or she is willing to sacrifice; the administration decides that. In terms of a procedural justice at least, that doesn't wash. If we are to call upon the worker to make sacrifices for the benefit of the community it seems to me the worker ought to have some free choice in how much sacrifice is to be made. If that free choice is to be exercised, I would argue it should be through the process of collective bargaining.

Another problem is the consequences of bargaining for the Church finances. Many have asked: Can we afford unions? Won't they bankrupt the schools? Won't they cause the schools to fold? Here I would argue that question is not an economic one either. There is no substantive standard for how much a diocese or parish can afford. At least I've never seen one. It's hard enough to get any financial statistics about dioceses, let alone clear and unequivocal statements about what the diocese can afford. It is, I would argue, fundamentally a political question. It is a political question in the same sense as the problem of how much a public school system can afford is political. It is a decision made by a number of individual households or taxpayers, by workers, and administrators. On the public school side, it may be a question of passing a tax referendum, or electing a new school board. If the school system can afford it, that means the people are willing to pay the taxes. Similarly, if the diocese can afford it, it means the people are willing to pay that much in

contributions or in whatever other mechanisms they choose to support the schools. They vote with their Sunday envelopes in the same way they vote on taxes. That is what determines how much a diocese can afford. I submit to you, that is an empirical question. You never know until you test it. A superintendent said at least twice yesterday that there are many untested assumptions or hypotheses about what dioceses or parishes can afford. I agree with him. To put it another way, why should I, were I a member of a teacher organization, take someone else's word, unsupported by evidence, on how much a diocese can afford? It doesn't make sense for me to believe it, in the absence of evidence.

If bargaining then, is what I propose as a mechanism for procedural justice, how can I justify it as a best one available. There obviously are other alternatives. Father Meyers' presentation last night included a proposal to put teachers on a school board, making the teachers a formal, institutional part of the policy making for that particular school system.[2] That is a useful way for teachers to participate. So it is necessary to inquire why is bargaining better than that, or some other alternative which might be put forth? Either way--bargaining or board membership--involves teachers and other workers in the determination of wages in what could be a procedurally just manner. The criterion to choose between them is quite simple: for the procedure to be the best, it has to be one that both parties will agree to and work with, freely choose, and freely work with. And if the teachers will freely choose and freely work within the framework of a membership of two (or some number) of teachers on a board, then that would be preferable to bargain in that particular setting. But if the teachers will not choose that freely, then I would argue it is not an acceptable mechanism, and will not produce a just result.

And that in most cases, if you look at the history of what teachers and other kinds of similar workers have chosen as the mechanism by which wages and working conditions are to be jointly determined, it has not been to accept the status of a permanent minority on a policy making board. The clear preference has been to enter into direct, bilateral negotiations with the employer. As long as that free choice can be made, I would expect teacher organizations and other workers in Catholic schools and in other schools to opt for collective bargaining. That's why I think it is the best.

Moreover, we know it can work. There's a long history of collective bargaining in this country, although some is sort of checkered and unpleasant. But, on balance, the process is quite successful. If you look at labor history to find why there has been conflict, violence, shooting, riots, hostility and destruction of property, there are no simple answers. Was it because the workers were making unjust demands or was it because the owners or the employers refused to acknowledge those demands or to deal with them? You will find, I submit, in the history of the labor movement in this country and other countries, the primary source of violence and conflict, destruction and hostility has been the refusal of the employers to deal with what later were acknowledged to be the just demands of the workers. So while there is much that is undesirable in the history of labor movements, one must be very careful to see who the culprits are.

There are some dangers to the faith community involved in advocating or instituting collective bargaining as a mechanism of procedural justice in Catholic schools. And let me mention a few of what those might be. First of all, there is, I'm afraid, some serious misunderstanding of what collective bargaining is, and how it should work. To work properly, it must be understood. Let me compare some writing on bargaining from different sources. The first is from a document on negotiations in Catholic schools.[3]

> The relationship between the limited resources of the Catholic schools and the hard-nosed bargaining for better class size, fringe benefits, teaching load, etc., may, indeed, become very unrealistic.

Now, in contrast, here is a section from one of the classic books on collective bargaining in the private sector, a recognized standard work. This passage describes negotiations in the International Harvestor Company several years ago.[4]

> The union entered bargaining with over 100 equity demands, the company had only a limited amount of money to spend on classification adjustments, that means, how the wages for workers in different classes are to be set. The solution which was reached was to emphasize progress toward a master book that is, a master schedule for how these wages were to be allocated. While the union did not gain a great deal of money, it did gain satisfaction on many small issues, which in a qualitative sense moved it along toward a master book. For its part, the company met its objective of not spending too much money on the inequity problem.

You should carefully compare this characterization of what goes on in private sector bargaining (the so-called ugly undesirable industrial model) with the attitude expressed about Catholic school negotiations. Which is unrealistic? One characterizes bargaining as a situation where only head-to-head conflict can occur. The other characterizes bargaining as a situation where creative problem solving can occur as well. The first seems unrealistic to me.

When you look at the literature of labor relations since at least 1963 or 1964, the theories of bargaining are based on a clear recognition of two forms of negotiation: they are called <u>distributive</u> bargaining and <u>integrative</u> bargaining. If one gains a dollar, someone loses a dollar; it's strictly win or lose. But integrative bargaining is a vital part of the overall process too. Integrative bargaining is just another word for creative problem solving, where both sides can win. The literature of labor relations is full of examples of how integrative bargaining can and does work. But to emphasize the danger, if you don't understand that problem solving is an important and necessary part of the process, then you get an overemphasis on the hostility and conflict, on "butting heads" and "hard-nosing," and all the other rhetoric.

I overheard a conversation in the hallway yesterday between two administrators. One was saying that he had heard about negotiations wherein the two chief negotiators had gotten together away from the table and had very candidly discussed what they could and couldn't do. By means of this side bargaining they had reached an agreement without any serious problem. The administrator thought there was something wrong with that. It didn't seem right, he said. It seemed to him the same as if the coaches of two football teams got together before the game and said "Well, I'll let you score some points in the third quarter and I'll score my points in the fourth quarter and we'll let you win this one." I was surprised to hear such a gross misunderstanding of what the process is all about. It isn't the game. The purpose of negotiations is to reach an agreement that both parties can live and work with. Good bargaining can often mean getting off to the side and saying, "Look, I know what I said before, but now this is where we stand and this is how we can settle." There is nothing dishonest or improper about that. That's how the process works. Not only how it can work, but how it ought to work. Bargaining means mutual accommodation, compromise, working out differences in an agreeable manner which both sides can live with.

Another danger is that the public and the private aspects of bargaining get confused. If you accept the idea that bargaining is a political relationship, then you have to accept the political consequences. Both sides are dealing with constituencies, the union is dealing with its members and the management is dealing with the parish, parish board, or whatever sort of unit is involved. Within those constituencies are varieties of opinions, values, and objectives. In order to deal with those differences within constituencies, there has to be a certain amount of generalization and maybe even posturing. If the generalization and posturing get confused with the real substance of bargaining, the result can be lasting hostility. But the posturing and generalization should be recognized for what it is: a necessary part of the political element of bargaining in dealing with constituencies. Then the parties can get down to the substance of finding an agreement.

The third danger I would point out, is excessive zeal on both sides. Bargaining is a funny thing. When I teach bargaining courses, I do a mock negotiation. In this mock negotiation there is no real economical stake involved. The students know that their grade is not to be determined on the basis of how well they negotiate. It's just a training exercise. But time and time again, when I run those mock bargaining exercises with students, the emotions flare, the temperatures rise, they pound the table, great hostility is aroused. All this when there aren't any real stakes, other than the personal psychological and emotional ones. People tend to bring, to whatever the bargaining situation happens to be, the potential to lose control and let an excess of zeal take over. Bargaining can then become a crusade in the worse sense of that word. That must be guarded against. That, I would argue, is the cause of much of the negative destructive aspect of bargaining.

To summarize, I will review where I think collective bargaining should fit in the overall picture of Catholic school operation. Some of the aspects of resource distribution and control in a school system, distribution of wages, control of the system, can be handled by means other

than by bargaining. Altruistic sacrifice on the part of the workers, administrators, parents and students are an important part of the faith community, more than just an important part. In addition, objective and rational choice plays a part. There are decisions for which standards do exist. And those standards ought to be in use. There is literature, there is research, there is logic, which tells us how certain questions are to be answered. Obedience still has its place. I don't mean to argue that bargaining ought to replace or someway supplant the obedience which is an important part of religious life and of the existing structure of the Church. One small point on this question of obedience: the responsibility of superiors is not clear to me when it comes to possible conflict between obedience and social justice. Since I am not competent to answer the question, I will only raise it: Can a religious superior err by invoking obedience of subordinates when there is conflict with social justice?

What I have tried to show is that sacrifice, rational choice, and obedience are not enough. A method, a procedurally just method is needed to determine many questions of labor policy which can arise in a faith community. A mechanism of procedural justice is necessary to that community itself. Collective bargaining for workers in Catholic schools seems to be the best candidate for that: achieving social justice in labor relations.

Notes

1. These sections of Pastoral Constitution on the Church in the Modern World are the main source (Documents of Vatican II, New York: American Press, 1966).

> "Among the basic rights of the human person must be counted the right of freely founding labor unions." (p. 277).
>
> "Even in the present day circumstances, however, the strike can still be a necessary, though ultimate means for the defense of the workers' own rights and the fulfillment of their just demands." (p. 277-78).
>
> "the active participation of everyone in the running of an enterprise should be promoted." (p. 277).

See also John XXIII "Mater et Magistra," pp. 408, 424, 427 (1961). The 1972 Pastoral Message of the National Conferences of Bishops, To Teach as Jesus Did, does not explicitly mention unions or bargaining. However, it does state:

> "Representative structures and processes should be the normative means by which the community, particularly Catholic parents, address fundamental questions about educational needs, objectives, programs, and resources." [emphasis added] (p. 38).

and,

> "We especially seek the collaboration of the teachers--priests, religious, and laity--who serve in Catholic schools and other educational programs. . . . We invite and urge their creative contribution to the effort of the entire community to meet the current challenges." (p. 39).

2. Rev. John F. Meyers. "Toward Justice for All," address to the NCEA Symposium on Unionism, October 4, 1976.

3. Department of Chief Administrators and Secondary Department, National Catholic Educational Association. Negotiations in Catholic Schools. Washington, D.C.: NCEA, 1974 (mimeo), p. 37.

4. Richard E. Walton and Robert B. McKersie. A Behavioral Theory of Labor Negotiations. New York: McGraw-Hill, 1965, p. 135.

APPENDIX

A REPORT ON UNIONS AND CATHOLIC SCHOOLS

Edwin J. McDermott, S.J.

Prenote

In our continuing quest for justice, Catholics have been forced by court cases and grievance committees to look at the union movement in the U.S. and to try to find what is best for teachers in Catholic schools. In early October, N.C.E.A. sponsored a Symposium on this subject; superintendents and principals are asking very technical questions about the subject. The J.S.F.A. Commission on Planning and Development will discuss this subject at its annual meeting this November. With this as a background, I have prepared these pages for our association.

History

The federal government recognized the worker's right to collective bargaining in the Railway Labor Act of 1926. This law was extended in 1935 by the National Labor Relations Act. Both laws stated that employers were obliged to bargain with employee representatives under certain conditions or be subject to fine and imprisonment for "unfair labor practices."

Although unions for teachers appeared much earlier, the aspect of militancy among teachers in unions first seems to have appeared in 1962 when the United Federation of Teachers went on strike in New York. By the end of 1975, about 25 percent of the public school districts were conducting some form of collective bargaining for teachers.

Up until 1970, the National Labor Relations Board (NLRB) did not supervise nonpublic educational institutions. In 1970, NLRB ruled that nonpublic educational institutions that grossed annually $1 million or more were subject to the federal labor law. NLRB now supervises union elections for nonpublic schools and investigates grievances of unfair labor practices. It also sets up general rulings and regional rulings, e.g., department chairpersons cannot join a teachers' union, nor can religious men or women because of their vows of poverty and obedience.

Catholic schools have studied the process of collective bargaining. In 1968, the N.C.E.A. sponsored an institute on the subject (cf. NCEA Bulletin, No. 1967) and in 1974 at a meeting of N.C.E.A.'s chief administrators. It again held a Symposium on Unionism in October 1976. The support of unions for Catholic teachers seems to have waned, according to Msgr. George Higgins, between the 1968 meeting and the 1976 Symposium. While Catholic schools were still careful to speak of "the right of the

worker to organize" and to echo the papal encyclical of Leo XIII, Pius XI and the directives of John XXIII, the Symposium reflected caution, suspicion, distrust of the unions and spent much time recalling examples where the whole bargaining process with the union promoted an adversary relationship on campus instead of a community of faith.

In our continuing quest for justice, Catholic schools should look at the history of unions, especially the unions for teachers. They should understand that the union-model is from the industrial sector of society and recall the years of oppression by big business. Then, they should look to the issues being negotiated by the teachers' unions and examine their responses to just wages, working conditions, and participation in the important decision-making processes that affect the lives of the teachers. Our Popes have given great leadership for seventy years in areas of arms-control, housing and hunger, peace and justice, and in unionism; this was pointed out strongly in the Call to Action, the national assembly called by our Bishops in October 1976. That same Call to Action also showed by facts and statistics that the testimony gathered from the parish consultation often did not reflect papal views of social problems and seldom acknowledged the structural causes of unequal distribution of wealth and power, and of national or world hunger. The Church in America did not lead the way in fighting discrimination and encouraging integration; we are not in the front lines today in labor relations.

The Catholic School and Unions

Parts of Chapter III of The Church in the Modern World should be read to hear the context of social relations among workers today. The whole pastoral has stressed the dignity of the individual person, the radical freedom of each person, the image of God in each person. Then in paragraph 68 we read:

> In economic enterprises it is persons who work together, that is, free and independent human beings created to the image of God. Therefore, the active participation of everyone in the running of an enterprise should be promoted. . . . Decisions concerning economic and social conditions, on which the future of the workers and their children depends, are rather often made not within the enterprise itself but by institutions on a higher level. Hence the workers themselves should have a share also in controlling these institutions, either in person or through freely elected delegates. Among the basic rights of the human person must be counted the right of freely founding labor unions. These unions should be truly able to represent the workers and to contribute to the proper arrangement of economic life. Another such right is that of taking part freely in the activity of these unions without risk of reprisal. Through this sort of orderly participation, joined with an ongoing formation in economic and social matters, all will grow day by day in the awareness of their own function and responsibility. Thus they will be brought to feel that according to their own proper capacities and aptitudes they are associates in the whole task of economic and social development and in the attainment of the universal common good.

One other point must be stressed when we speak about the teacher in a Catholic school. Teachers, by reason of their baptism in Christ, can be part of the ministry of the Church--the diaconis, and can consider their teaching part of the mission and the mandate and the charism to teach in His Name.

Collective Bargaining

Collective bargaining is the process of negotiating terms and conditions of employment between a worker organization and an employer. In the U.S., trade unions came to favor collective bargaining, rather than political action and efforts for broad social reform, as their method of improving the lot of the American worker. The NLRB lists two types of bargaining: the mandatory subjects and the permissive subjects. Here is a sample of each:

Mandatory Subjects	Permissive Subjects
hours of work and schedules	election of administrators
wages	representation on Boards
grievance procedures	goals of the institution (e.g., school)
health benefits	some working conditions (class size)
retirement funds	supervision of employees
procedures for dismissal	

Collective bargaining has narrowed management's discretion and stimulated the development of management by policy. It is considered one of the nation's most successful economic institutions. Where the relationship in the bargaining process has been mature and stable, it has been able to delineate problems like unjust wage structure or inadequate job security, and then provide a mechanism to solve the problems. Even with good will, negotiations may breakdown; this is the risk of free collective bargaining.

The growth of unions, even among teachers, is historically attributed to serious internal problems. For exmaple, the teachers look for a power base after an administrator acted precipitously in dismissing a faculty member or when the Board seems to intrude upon the lives of the teacher by suddenly and without consultation ordering an increase in class size or a longer school day. Teachers will come to demand a union if they think the administration is so anti-union that it circumvents the law to prevent unionism. Some teachers will push for unionism to protect their own jobs and often these are the teachers who are low in the ranking of the school, are males, and are under forty. They are looking for strong security.

A union is recognized as a powerful interest group that speaks externally with a single voice. Where does it get its power? The members agree that the union will be the exclusive agent in the bargaining and the members agree to allow the union to represent them against the employer in an adversary relation. The union is not a club of friendly people, it is not a mere association of teachers. The union is an exclusive agent to represent teachers in determining all the details of a legal contract and

in determining the time and method of showing opposition even to the point of a strike against the employer.

The union demands much from the teachers. They cannot handle some of their own affairs with the school's administration directly. The teachers must abide by the decisions of the union even when decisions are made by a small number of teachers within the union. The union may be proposing and expending union money on other political issues which run contrary to the wishes and beliefs of the teachers, e.g., the A.F.T.'s projects for pro-abortion and their opposition to federal aid to nonpublic schools. The union may be so powerful that they forbid adequate consultation by the school with students and parents; they may get a ruling that deliberative forums of faculty and administrators violates the rights of the union to be the exclusive representative of the employees. The unions may demand a ruling from the NLRB that chairpersons of departments, religious sisters, brothers, and priests cannot belong to a union of teachers.

Steps in Unionizing

Because of the very complicated laws about collective bargaining, administrators and teachers should have legal counsel from the very first steps, and it is most important that this counsel have broad experience in labor relations.

1. Teachers are asked to sign a union membership pledge card, a "show of interest" card. If 30 percent of the teachers sign, a union can schedule an election under federal law. NLRB has one main responsibility, namely to protect the right of workers to organize. Regulations and practices have been developed to support this right and a listing of unfair labor practices was developed to make both labor and management aware they may violate justice in their mutual relationships.

2. All teachers in the school are included in a secret ballot, government-regulated election to vote against joining a union, or to vote for a union, or to vote to join an affiliated union like AFT or NEA or an unaffiliated union.

3. If the vote does not favor a union, a new petition cannot be submitted for twelve months.

4. Unions must accord <u>everyone</u> in the bargaining unit fair representations, even those not paying dues to the union.

5. Employer must bargain with the certified union which now has exclusive rights to represent <u>all</u> the employees of the unit.

6. Collective bargaining negotiators often use the technique of the "big demand" in order to give each side an opportunity to make concessions.

7. Teachers can seek a decertification election to terminate agreements with a union.

Should Teachers in Catholic Schools Form Unions?

The social ethics proposed in Church documents asserts the rights of workers to organize into private societies. For teachers, such organizations can be unions or associations or senates or some other form of affiliation. Rev. Robert A. Reicher contended in 1968 that "even if economic return for teaching is just and adequate, there is still a need for teachers' unions and associations."

Should each school encourage participation in a teachers' union? This decision should be left to the teachers. School administrators should not spy on union meetings, nor hinder access to teachers by union members, nor fire a teacher for supporting a union, nor question workers about union activities, nor try to buy off a grievance committee. They should listen in good faith; when called upon to do so, they should bargain in good faith. They should not allow the NLRB to manifest a stronger sense of justice to teachers than they do.

The most serious argument against teachers' unions in Catholic schools is proposed by those who see the Catholic school as something beyond the market place. Because Catholic schools are uniquely called to be communities of faith, they assert, the Catholic school must be governed in an unique way. They assert that the adversary posture of a union and the deceitfulness intrinsic to bargaining from the "big demand," are inimical to growth of trust and cooperation among the People of God. They say that unions box in the apostolic thrust of faculty members, limit their ways of influencing a school, pull them away from students and parents. Such criticisms cannot be passed over lightly.

"Find an alternative model; don't follow the industrial model of a union," the critics of unions say. When new models are described, they often are very ineffectual associations with heavy paternalistic overtones. Or, the new model will call for the teacher to voluntarily accept restrictions on pay and working conditions as their donation to the mission of the teaching Church. Others would propose a model of an association within the school, judging that a third party should not be called in if the administrators and teachers can do the job of negotiating. In this model, the rights and responsibilities of both teachers and administrators are stressed.

One model would recommend that a body be elected from all segments of the Catholic educational community and that representatives be from the teachers, parents, students, pastors, and bishops.

If a perfect model has not yet been found, some portions are clear. Teachers, for example, must have an effective voice and effective representation for their concerns; they must be protected with structures against arbitrariness and paternalism. Teachers in a Catholic school are called to witness their faith in Jesus the Lord, and thereby build up a sense of community and cooperation among the People of God.

Background to Unionism Today in U.S.A.

1. Out of 165 dioceses in the U.S., about 25 have teachers organized by independent unions or affiliates of AFT or NEA.

2. In the last few months, NLRB has asserted jurisdiction in the following cases:

(a) in the Chicago minor seminaries--Quigley North and Quigley South, declaring the schools secular institutions.

(b) in the Diocese of Gary, Indiana because the Bishop opened a teachers' meeting with a reading from James (4, 1-10), "Repent, ye sinners."

(c) in a school that had fired a teacher for requiring students to read about sexual habits from authors Masters & Johnson, and Rubin.

(d) in a diocese that was being split into two dioceses by Rome.

(e) in ordering Los Angeles schools to hold an election for a union because the Catholic schools were not religious institutions.

3. The American Federation of Teachers is big business and offers many services to its members.

Business: total per capita dues (1975-76) was $11,040,925
total expenditures that year was $10,587,502
expenditures for militancy (strikes) was $876,492
expenditures for defense (law cases) was $210,330
Membership rose from 125,421 in 1966 to 470,491 in 1976.
Founding: AFT Local 1, receiving its original charter in 1916.

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APPENDIX

NEA-AFT FACT SHEET
(As of August 1, 1976)

	NEA	AFT
Membership	1,886,532 (increase over 8/1/75: 201,623 or 12%) (NEA membership increased by 720,329 over past 4 yrs. which is far more than total membership of the AFT.)	375,000 (based on Sec'y-Treas. Report to Convention; decrease below 8/1/75: 78,654 or 17%)
Local Affiliates	12,098	1,910
Higher Education	578	325
State Affiliates	53	34
Professional Staff[1]	283	52
Staff for:		
organizing, crisis & special projects	31-) separate	30-) overlapping
negotiations	21-) staffs	30-) staffs
defense and legal help for teachers	14	2
affirmative action-human relations	13	1
legislation and political action	24	3
instruction and professional development	26	1
training teacher leaders	11	2
research	23	3
higher education	10, plus 18 on contract	2
communications	32	4

[1]NEA can call on 1,134 UniServ personnel for 20 days each of assistance, or a total of 22,680 workdays. AFT can call on 40 local and state staffers for 20 days each of assistance, or a total of 800 workdays.

NEA-AFT FACT SHEET
(continued)

	NEA	AFT
Budget	$48,696,100	$10,236,000
Expenditures for programs related to teacher rights and welfare (includes organizing and servicing affiliates)	31,681,055	4,810,914
Expenditures for teachers' legal defense	4,285,526	210,330[2]
Expenditures for labor affiliations	0	1,045,864[2]
Assets (General Fund)	$25,400,000	$ 2,477,053

[2]Over 10 percent of budget

NEA, AFT AND AAUP RESOURCES AND RECORDS--1976

	NEA	AFT	AAUP
Total Membership	1,886,532	375,000[1]	60,942 (active)
Higher Education Membership	63,690	54,000	60,942
Local Affiliates	12,098	1,910	1,367
Higher Education local affiliates	578	325	1,367
State Affiliates	53	34	51 (and D.C.)
Budget	$48,696,100[2]	$10,236,000	$1,864,298
Higher Education budget	$ 935,682[2]	?	$1,864,298
Expenditures for Programs Related to Teacher Rights and Welfare (organizing, representation, servicing)	$31,681,055	$ 4,810,914	$ 583,000
Expenditures for Legal Defense (Including NEA DeShane Fund)	$ 4,285,526	$ 210,330	$ 12,062
Full-Time Professional Staff	283[3]	52	24
Including:			
full-time higher education staff	10[4] (+ 18 on contract)	2	24
faculty defense legal staff	14[5]	1	4
legislative lobbying staff	24[6]	2	1
negotiators	21	30*	1
researchers	23	3	1
trainers	11	2	0
affirmative action-human relations staff	13	1	0

NEA, AFT AND AAUP RESOURCES AND RECORDS--1976
(continued)

	NEA	AFT	AAUP
instruction and professional development staff	26	1	0
organizing, crises, and special project staff	31	30*	16
communications staff	32	4	1

[1]Based on Secretary-Treasurer Report.

[2]Figure is line item budget. An additional estimated $700,000 in NEA services are provided NEA higher education members by other NEA programs and services.

[3]Plus 2,591 full-time professional staff or affiliated state associations and 284 nonstate UniServ staffers.

[4]Plus 63 full-time higher education staff in affiliated state associations.

[5]Plus 150 staff attorneys and/or law firms on retainer with affiliated state associations.

[6]Plus at least one full-time registered lobbyist with each affiliated state association plus other legislative and political action staff.

*Negotiators and Organizing, Crises and Special Project staff are the same.

APPENDIX

NC FEATURES FOR RELEASE WEEK OF NOVEMBER 1, 1976
THE YARDSTICK

Msgr. George G. Higgins

The controversy over collective bargaining in Catholic schools, referred to in this column two weeks ago, was aired again in a lengthy article by Janis Johnson, "Catholic Bishops Squirming on Horns of Labor Dilemma," in the October 17 issue of The Washington Post. Miss Johnson's piece, like my earlier column, was occasioned by the National Catholic Educational Association's recent symposium on collective bargaining.

Miss Johnson is an experienced and competent journalist. I thought her report in the Post was substantially accurate and, on the whole, fair to all concerned.

On the other hand, I would have to question her statement that "most speakers" at the NCEA symposium--"superintendents and diocesan school lawyers--were critical of unions." By my count, at least half of the major speeches were either strongly in favor of collective bargaining or, at the very least, completely open to it. My own keynote address and the concluding paper by Dr. Anthony Cresswell of Northwestern University could hardly have been more pro-union if they had been written by union representatives. At least two of the other major papers and two or three of the shorter workshop papers, if not explicitly pro-union and pro-collective bargaining, were certainly unobjectionable from the trade union point of view.

To be sure, some of the superintendents and and diocesan school lawyers were, as Miss Johnson has reported, critical of unions and collective bargaining. In fact, one of the lawyers delivered the most blatantly anti-union speech I have heard in many years. It should be noted, however, that his talk, precisely because it was so extreme, turned many of the delegates off.

I have cited these few facts about the NCEA symposium, not to try to whitewash the proceedings, but simply to keep the record straight. The symposium may have been one-sided in the sense that official union representatives were not invited to address the delegates or to take part in the general discussion. It was for this reason that the meeting was picketed--in a very orderly manner, I might add--by several local union officers. Though I can understand why the organizers of the meeting decided to limit attendance at this first symposium to school administrators, I think they made a mistake in not including union speakers on the program. They did, in fact, invite one such speaker--a lawyer from the national office of the American Federation of Teachers--but he cancelled out at the last minute, presumably in a show of support for the pickets. I think

that was a tactical mistake on his part. On the other hand, I think the pickets, once they had arrived on the scene, should have been asked to come into the meeting and to take part in the discussion.

In any event, whether the organiziers of the meeting did or did not make a mistake in the way they planned and organized the proceedings, it would not be fair to say that the program was rigged against the unions and against collective bargaining or that all of the delegates were anti-union. I would be more inclined to say that the symposium was a mixed bag in this regard. As I told the National Catholic Reporter, the unions are a new thing for many of the NCEA delegates. Some are confused and uncertain about the impact of collective bargaining. Some are naive, and some are honestly asking whether there can be an adversary relationship with a union without disrupting the school community.

While I find it difficult to gauge the overall reaction of the delegates, I have the impression that many of them, despite their confusion and concern about the impact of collective bargaining, are prepared to live with it if and when they are required to make a decision on the matter. I am afraid, however, that some of the administrators will go down fighting on the issue and will be tempted to adopt a negative and legalistic approach to unionism and collective bargaining. Because the question as to whether or not the National Labor Relations Board is constitutionally justified in exercising jurisdiction over Catholic schools is now before the courts, they might try to stall for time while this matter is being litigated. This would be a serious mistake on their part. If the courts eventually decide, on constitutional grounds, that the National Labor Relations Board cannot claim jurisdiction over Catholic schools, that will not be the end of the collective bargaining controversy but, in a sense, only the beginning. In other words, with or without NLRB jurisdiction, our schools will still have to face up realistically to the collective bargaining issue. If they fail to do so, they will be asking for serious trouble and will do irreparable harm to the reputation of the Catholic school system and of the Church as a whole in the United States.

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